

House File 2700 - Reprinted

HOUSE FILE _____
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO HSB 797)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to state and local finances by providing for
2 funding of property tax credits and reimbursements, by making,
3 increasing and reducing appropriations, providing for salaries
4 and compensation of state employees, providing for matters
5 relating to tax credits, providing for fees and penalties, and
6 providing for properly related matters, and including
7 effective and retroactive applicability date provisions.
8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
9 TLSB 6618HV 82
10 mg/jp/24

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1 1 DIVISION I
1 2 MH/MR/DD SERVICES ALLOWED
1 3 GROWTH FUNDING == FY 2009=2010
1 4 Section 1. COUNTY MENTAL HEALTH, MENTAL RETARDATION, AND
1 5 DEVELOPMENTAL DISABILITIES ALLOWED GROWTH APPROPRIATION AND
1 6 ALLOCATIONS == FISCAL YEAR 2009=2010.
1 7 1. There is appropriated from the general fund of the
1 8 state to the department of human services for the fiscal year
1 9 beginning July 1, 2009, and ending June 30, 2010, the
1 10 following amount, or so much thereof as is necessary, to be
1 11 used for the purpose designated:
1 12 For distribution to counties of the county mental health,
1 13 mental retardation, and developmental disabilities allowed
1 14 growth factor adjustment for fiscal year 2009=2010:
1 15 \$ 69,949,069
1 16 2. The amount appropriated in this section shall be
1 17 allocated as provided in a later enactment of the general
1 18 assembly.

1 19 DIVISION II
1 20 STANDING APPROPRIATIONS
1 21 AND RELATED MATTERS
1 22 Sec. 2. BUDGET PROCESS FOR FISCAL YEAR 2009=2010.
1 23 1. For the budget process applicable to the fiscal year
1 24 beginning July 1, 2009, on or before October 1, 2008, in lieu
1 25 of the information specified in section 8.23, subsection 1,
1 26 unnumbered paragraph 1, and paragraph "a", all departments and
1 27 establishments of the government shall transmit to the
1 28 director of the department of management, on blanks to be
1 29 furnished by the director, estimates of their expenditure
1 30 requirements, including every proposed expenditure, for the
1 31 ensuing fiscal year, together with supporting data and
1 32 explanations as called for by the director of the department
1 33 of management after consultation with the legislative services
1 34 agency.

1 35 2. The estimates of expenditure requirements shall be in a
2 1 form specified by the director of the department of
2 2 management, and the expenditure requirements shall include all
2 3 proposed expenditures and shall be prioritized by program or
2 4 the results to be achieved. The estimates shall be
2 5 accompanied by performance measures for evaluating the
2 6 effectiveness of the programs or results.

2 7 Sec. 3. GENERAL ASSEMBLY. The appropriations made
2 8 pursuant to section 2.12 for the expenses of the general
2 9 assembly and legislative agencies for the fiscal year
2 10 beginning July 1, 2008, and ending June 30, 2009, are reduced
2 11 by the following amount:

2 12 \$ 1,439,884
2 13 Sec. 4. LIMITATION OF STANDING APPROPRIATIONS.

2 14 Notwithstanding the standing appropriations in the following
2 15 designated sections for the fiscal year beginning July 1,
2 16 2008, and ending June 30, 2009, the amounts appropriated from
2 17 the general fund of the state pursuant to these sections for
2 18 the following designated purposes shall not exceed the
2 19 following amounts:

2 20 1. For instructional support state aid under section
2 21 257.20:
2 22

2 23 \$ 14,428,271
2 24 If the total amount of instructional support state aid
2 25 appropriated in accordance with this subsection is
2 26 insufficient to pay the amount of instructional support state
2 27 aid to a district as determined under section 257.20, the
2 28 department of education shall prorate the amount of the
2 29 instructional support state aid provided to each district.

2 30 2. For payment for nonpublic school transportation under
2 31 section 285.2:
2 32

2 33 \$ 8,604,714
2 34 If total approved claims for reimbursement for nonpublic
2 35 school pupil transportation exceed the amount appropriated in
2 36 accordance with this subsection, the department of education
2 37 shall prorate the amount of each approved claim.

3 1 3. For the educational excellence program under section
3 2 294A.25, subsection 1:
3 3

3 4 \$ 55,469,053
3 5 4. For the state's share of the cost of the peace
3 6 officers' retirement benefits under section 411.20:
3 7

3 8 \$ 2,745,784
3 9 Sec. 5. PROPERTY TAX CREDIT FUND == PAYMENTS IN LIEU OF
3 10 GENERAL FUND REIMBURSEMENT.

3 11 1. a. Notwithstanding section 8.57, prior to the
3 12 appropriation and distribution to the senior living trust fund
3 13 and the cash reserve fund of the surplus existing in the
3 14 general fund of the state at the conclusion of the fiscal year
3 15 beginning July 1, 2007, and ending June 30, 2008, pursuant to
3 16 section 8.57, subsections 1 and 2, of that surplus,
3 17 \$99,849,544 is appropriated to the property tax credit fund
3 18 which shall be created in the office of the treasurer of state
3 19 to be used for the purposes of this section.

3 20 b. Notwithstanding any provision in section 8.57 to the
3 21 contrary in determining the amount of the appropriation to the
3 22 senior living trust fund pursuant to section 8.57, subsection
3 23 2, paragraph "a", the following shall apply:

3 24 (1) The surplus for the fiscal year beginning July 1,
3 25 2007, shall not include the amount appropriated to the
3 26 property tax credit fund pursuant to paragraph "a" of this
3 27 subsection.

3 28 (2) The remaining surplus after the operation of
3 29 subparagraph (1) shall be appropriated to the cash reserve
3 30 fund prior to any appropriation to the senior living trust
3 31 fund.

3 32 c. There is appropriated from the general fund of the
3 33 state to the property tax credit fund created in paragraph "a"
3 34 for the fiscal year beginning July 1, 2008, and ending June
3 35 30, 2009, the sum of \$44,400,000.

4 1 d. There is transferred from the surplus existing in the
4 2 salary adjustment fund at the conclusion of the fiscal year
4 3 beginning July 1, 2007, and ending June 30, 2008, to the
4 4 property tax credit fund created in paragraph "a", the sum of
4 5 \$13,937,263.

4 6 e. Notwithstanding section 8.33, the surplus existing in
4 7 the property tax credit fund created pursuant to 2007 Iowa
4 8 Acts, chapter 215, section 5, at the conclusion of the fiscal
4 9 year beginning July 1, 2007, and ending June 30, 2008, is
4 10 transferred to the property tax credit fund created in this
4 11 section.

4 12 2. Notwithstanding the amount of the standing
4 13 appropriation from the general fund of the state in the
4 14 following designated sections and notwithstanding any
4 15 conflicting provisions or voting requirements of section 8.56,
4 16 there is appropriated from the property tax credit fund in
4 17 lieu of the appropriations in the following designated
4 18 sections for the fiscal year beginning July 1, 2008, and
4 19 ending June 30, 2009, the following amounts for the following
4 20 designated purposes:

4 21 a. For reimbursement for the homestead property tax credit
4 22 under section 425.1:
4 23

4 24 \$ 99,254,781
4 25 b. For reimbursement for the agricultural land and family
4 26 farm tax credits under sections 425A.1 and 426.1:
4 27

4 28 \$ 34,610,183

4 25 c. For reimbursement for the military service tax credit
4 26 under section 426A.1A:
4 27 \$ 2,800,000
4 28 d. For implementing the elderly and disabled tax credit
4 29 and reimbursement pursuant to sections 425.16 through 425.40:
4 30 \$ 23,204,000
4 31 If the director of revenue determines that the amount of
4 32 claims for credit for property taxes due pursuant to
4 33 paragraphs "a", "b", "c", and "d" plus the amount of claims
4 34 for reimbursement for rent constituting property taxes paid
4 35 which are to be paid during the fiscal year may exceed the
5 1 total amount appropriated, the director shall estimate the
5 2 percentage of the credits and reimbursements which will be
5 3 funded by the appropriation. The county treasurer shall
5 4 notify the director of the amount of property tax credits
5 5 claimed by June 8, 2008. The director shall estimate the
5 6 percentage of the property tax credits and rent reimbursement
5 7 claims that will be funded by the appropriation and notify the
5 8 county treasurer of the percentage estimate by June 15, 2008.
5 9 The estimated percentage shall be used in computing for each
5 10 claim the amount of property tax credit and reimbursement for
5 11 rent constituting property taxes paid for that fiscal year.
5 12 If the director overestimates the percentage of funding,
5 13 claims for reimbursement for rent constituting property taxes
5 14 paid shall be paid until they can no longer be paid at the
5 15 estimated percentage of funding. Rent reimbursement claims
5 16 filed after that point in time shall receive priority and
5 17 shall be paid in the following fiscal year.
5 18 3. Notwithstanding any other provision, if the
5 19 Eighty-second General Assembly, 2008 Session, enacts
5 20 legislation that also provides for the appropriation of the
5 21 surplus or any part of the surplus existing in the general
5 22 fund of the state at the conclusion of the fiscal year
5 23 beginning July 1, 2007, and ending June 30, 2008, the moneys
5 24 appropriated from such surplus pursuant to subsection 1 shall
5 25 have priority over all other such appropriations.
5 26 4. Notwithstanding the amount of the standing
5 27 appropriations from the general fund of the state from the
5 28 designated sections listed in subsection 2, unless otherwise
5 29 provided by law, for the fiscal year beginning July 1, 2009,
5 30 and ending June 30, 2010, the amounts of such standing
5 31 appropriations shall be the same as provided in subsection 2.
5 32 Sec. 6. CASH RESERVE APPROPRIATION FOR FY 2008=2009. For
5 33 the fiscal year beginning July 1, 2008, and ending June 30,
5 34 2009, the appropriation to the cash reserve fund provided in
5 35 section 8.57, subsection 1, paragraph "a", shall not be made.
6 1 Sec. 7. APRIL 4, 2008, REVENUE ESTIMATE. For use by the
6 2 general assembly in the budget process and the governor's
6 3 approval or disapproval of the appropriations bills for the
6 4 fiscal year beginning July 1, 2008, and for purposes of
6 5 calculating the state general fund expenditure limitation
6 6 pursuant to section 8.54 for the fiscal year beginning July 1,
6 7 2008, the revenue estimate for the fiscal year beginning July
6 8 1, 2008, that shall be used in the budget process and such
6 9 calculation shall be the revenue estimate determined by the
6 10 revenue estimating conference on April 4, 2008,
6 11 notwithstanding the provision in section 8.22A, subsection 3,
6 12 that disallows the use of a revenue estimate agreed to at a
6 13 later meeting that projects a greater amount than the initial
6 14 estimated amount agreed to in December 2007. This section
6 15 also authorizes the use of the estimated revenue figures for
6 16 the purposes or sources designated in section 8.22A,
6 17 subsection 5.
6 18 Sec. 8. Section 257.35, Code Supplement 2007, is amended
6 19 by adding the following new subsection:
6 20 NEW SUBSECTION. 4A. Notwithstanding subsection 1, and in
6 21 addition to the reduction applicable pursuant to subsection 2,
6 22 the state aid for area education agencies and the portion of
6 23 the combined district cost calculated for these agencies for
6 24 the fiscal year beginning July 1, 2008, shall be reduced by
6 25 the department of management by two million five hundred
6 26 thousand dollars. The reduction for each area education
6 27 agency shall be prorated based on the reduction that the
6 28 agency received in the fiscal year beginning July 1, 2003.
6 29 Sec. 9. AREA EDUCATION AGENCY PAYMENTS. It is the intent
6 30 of the general assembly that for the fiscal year beginning
6 31 July 1, 2009, and subsequent fiscal years there shall be no
6 32 additional reduction in state aid to area education agencies
6 33 and the combined district cost calculated for those agencies
6 34 over the reduction applicable pursuant to section 257.35,
6 35 subsection 2.

7 1 Sec. 10. EFFECTIVE AND APPLICABILITY DATES.

7 2 1. The section of this division of this Act creating the
7 3 property tax credit fund, being deemed of immediate
7 4 importance, takes effect upon enactment.

7 5 2. The section of this division of this Act relating to
7 6 the use of the April 4, 2008, revenue estimate, being deemed
7 7 of immediate importance, takes effect upon enactment and
7 8 applies retroactively to January 14, 2008.

7 9 DIVISION III

7 10 SALARIES, COMPENSATION, AND RELATED MATTERS

7 11 Sec. 11. STATE COURT == JUSTICES, JUDGES, AND MAGISTRATES.

7 12 1. The salary rates specified in subsection 2 are for the
7 13 fiscal year beginning July 1, 2008, effective for the pay
7 14 period beginning June 27, 2008, and for subsequent fiscal
7 15 years until otherwise provided by the general assembly. The
7 16 salaries provided for in this section shall be paid from funds
7 17 allocated to the judicial branch from the salary adjustment
7 18 fund or if the allocation is not sufficient, from funds
7 19 appropriated to the judicial branch pursuant to any Act of the
7 20 general assembly.

7 21 2. The following annual salary rates shall be paid to the
7 22 persons holding the judicial positions indicated during the
7 23 fiscal year beginning July 1, 2008, effective with the pay
7 24 period beginning June 27, 2008, and for subsequent pay
7 25 periods.

7 26	a. Chief justice of the supreme court:	
7 27	.....	\$ 170,850
7 28	b. Each justice of the supreme court:	
7 29	.....	\$ 163,200
7 30	c. Chief judge of the court of appeals:	
7 31	.....	\$ 153,000
7 32	d. Each associate judge of the court of appeals:	
7 33	.....	\$ 147,900
7 34	e. Each chief judge of a judicial district:	
7 35	.....	\$ 142,800
8 1	f. Each district judge except the chief judge of a	
8 2	judicial district:	
8 3	.....	\$ 137,700
8 4	g. Each district associate judge:	
8 5	.....	\$ 122,400
8 6	h. Each associate juvenile judge:	
8 7	.....	\$ 122,400
8 8	i. Each associate probate judge:	
8 9	.....	\$ 122,400
8 10	j. Each judicial magistrate:	
8 11	.....	\$ 37,740
8 12	k. Each senior judge:	
8 13	.....	\$ 8,160

8 14 3. Persons receiving the salary rates established under
8 15 this section shall not receive any additional salary
8 16 adjustments provided by this division of this Act.

8 17 Sec. 12. ELECTIVE EXECUTIVE OFFICIALS.

8 18 1. The annual salary rates specified in this section are
8 19 effective for the fiscal year beginning July 1, 2008, with the
8 20 pay period beginning June 27, 2008, and for subsequent fiscal
8 21 years until otherwise provided by the general assembly.

8 22 The salaries provided for in this section shall be paid
8 23 from funds allocated to the office, department, or agency of
8 24 the elected official specified in subsections 2, 3, and 4 from
8 25 the salary adjustment fund, if the allocation is not
8 26 sufficient, from funds appropriated to the office, department,
8 27 or agency.

8 28 2. The annual salary rates paid to the person holding the
8 29 following elected offices shall be equal to 82.65 percent of
8 30 the maximum of range 7 of the salary ranges specified in this
8 31 division of this Act for appointed state officers, rounded to
8 32 the nearest \$10: secretary of agriculture, auditor of state,
8 33 secretary of state, treasurer of state, and lieutenant
8 34 governor.

8 35 3. The annual salary rate paid to the attorney general
9 1 shall be equal to 89 percent of the maximum of range 7 of the
9 2 salary ranges specified in this division of this Act for
9 3 appointed state officers, rounded to the nearest \$10.

9 4 4. The annual salary rate paid to the governor shall be
9 5 equal to 92.4 percent of the maximum of range 7 of the salary
9 6 ranges specified in this division of this Act for appointed
9 7 state officers, rounded to the nearest \$10.

9 8 Sec. 13. APPOINTED STATE OFFICERS. The governor shall
9 9 establish a salary for appointed nonelected persons in the
9 10 executive branch of state government holding a position
9 11 enumerated in the section of this division of this Act that

9 12 addresses the salary ranges of state officers within the range
9 13 provided, by considering, among other items, the experience of
9 14 the individual in the position, changes in the duties of the
9 15 position, the incumbent's performance of assigned duties, and
9 16 subordinates' salaries. However, the attorney general shall
9 17 establish the salary for the consumer advocate, the chief
9 18 justice of the supreme court shall establish the salary for
9 19 the state court administrator, the ethics and campaign
9 20 disclosure board shall establish the salary of the executive
9 21 director, the state fair board shall establish the salary of
9 22 the secretary of the Iowa state fair board, and the Iowa
9 23 public broadcasting board shall establish the salary of the
9 24 administrator of the public broadcasting division of the
9 25 department of education, each within the salary range provided
9 26 in the section of this division of this Act that addresses the
9 27 salary ranges of state officers.

9 28 The governor, in establishing salaries as provided in the
9 29 section of this division of this Act that addresses the salary
9 30 ranges of state officers, shall take into consideration other
9 31 employee benefits which may be provided for an individual
9 32 including but not limited to housing.

9 33 A person whose salary is established pursuant to the
9 34 section of this division of this Act that addresses the salary
9 35 ranges of state officers and who is a full-time, year-round
10 1 employee of the state shall not receive any other remuneration
10 2 from the state or from any other source for the performance of
10 3 that person's duties unless the additional remuneration is
10 4 first approved by the governor or authorized by law. However,
10 5 this provision does not exclude the reimbursement for
10 6 necessary travel and expenses incurred in the performance of
10 7 duties or fringe benefits normally provided to employees of
10 8 the state.

10 9 Sec. 14. STATE OFFICERS == SALARY RANGE. The following
10 10 annual salary ranges are effective for the positions specified
10 11 in this section for the fiscal year beginning July 1, 2008,
10 12 and for subsequent fiscal years until otherwise provided by
10 13 the general assembly. The governor or other person designated
10 14 in the section of this division of this Act relating to
10 15 appointed state officers shall determine the salary to be paid
10 16 to the person indicated at a rate within this salary range
10 17 from funds appropriated by the general assembly for that
10 18 purpose.

10 19 1. The following are salary ranges for appointed state
10 20 officers for the fiscal year beginning July 1, 2008, effective
10 21 with the pay period beginning June 27, 2008:

SALARY RANGE		<u>Minimum</u>	<u>Maximum</u>
10 23	a. Range 2	\$ 48,160	\$ 73,700
10 24	b. Range 3	\$ 55,380	\$ 84,750
10 25	c. Range 4	\$ 63,690	\$ 97,460
10 26	d. Range 5	\$ 73,250	\$112,070
10 27	e. Range 6	\$ 84,240	\$128,890
10 28	f. Range 7	\$100,840	\$154,300

10 29 2. The following are range 2 positions: administrator of
10 30 the arts division of the department of cultural affairs,
10 31 administrators of the division of persons with disabilities,
10 32 the division on the status of women, the division on the
10 33 status of Iowans of Asian and Pacific Islander heritage, the
10 34 division on the status of African-Americans, the division of
10 35 deaf services, and the division of Latino affairs of the
11 1 department of human rights.

11 2 3. The following are range 3 positions: administrator of
11 3 the division of criminal and juvenile justice planning of the
11 4 department of human rights, administrator of the division of
11 5 community action agencies of the department of human rights,
11 6 executive director of the department of veterans affairs, and
11 7 chairperson and members of the employment appeal board of the
11 8 department of inspections and appeals.

11 9 4. The following are range 4 positions: director of the
11 10 department of human rights, director of the Iowa state civil
11 11 rights commission, executive director of the college student
11 12 aid commission, director of the department for the blind,
11 13 executive director of the ethics and campaign disclosure
11 14 board, members of the public employment relations board, and
11 15 chairperson, vice chairperson, and members of the board of
11 16 parole.

11 17 5. The following are range 5 positions: administrator of
11 18 the division of homeland security and emergency management of
11 19 the department of public defense, state public defender, drug
11 20 policy coordinator, labor commissioner, workers' compensation
11 21 commissioner, director of the department of cultural affairs,
11 22 director of the department of elder affairs, director of the

11 23 law enforcement academy, and administrator of the historical
11 24 division of the department of cultural affairs.

11 25 6. The following are range 6 positions: director of the
11 26 office of energy independence, superintendent of banking,
11 27 superintendent of credit unions, administrator of the
11 28 alcoholic beverages division of the department of commerce,
11 29 director of the department of inspections and appeals,
11 30 commandant of the Iowa veterans home, commissioner of public
11 31 safety, commissioner of insurance, executive director of the
11 32 Iowa finance authority, director of the department of natural
11 33 resources, consumer advocate, and chairperson of the utilities
11 34 board. The other members of the utilities board shall receive
11 35 an annual salary within a range of not less than 90 percent
12 1 but not more than 95 percent of the annual salary of the
12 2 chairperson of the utilities board.

12 3 7. The following are range 7 positions: administrator of
12 4 the public broadcasting division of the department of
12 5 education, director of the department of corrections, director
12 6 of the department of education, director of human services,
12 7 director of the department of economic development, executive
12 8 director of the Iowa telecommunications and technology
12 9 commission, executive director of the state board of regents,
12 10 director of transportation, director of the department of
12 11 workforce development, director of revenue, director of public
12 12 health, state court administrator, secretary of the Iowa state
12 13 fair board, director of the department of management, and
12 14 director of the department of administrative services.

12 15 Sec. 15. COLLECTIVE BARGAINING AGREEMENTS FUNDED ==
12 16 GENERAL FUND. There is appropriated from the general fund of
12 17 the state to the salary adjustment fund for distribution by
12 18 the department of management to the various state departments,
12 19 boards, commissions, councils, and agencies, including the
12 20 state board of regents and the judicial branch, for the fiscal
12 21 year beginning July 1, 2008, and ending June 30, 2009, the
12 22 amount of \$88,100,000, or so much thereof as may be necessary,
12 23 to fully fund annual pay adjustments, expense reimbursements,
12 24 and related benefits implemented pursuant to the following:

12 25 1. The collective bargaining agreement negotiated pursuant
12 26 to chapter 20 for employees in the blue collar bargaining
12 27 unit.

12 28 2. The collective bargaining agreement negotiated pursuant
12 29 to chapter 20 for employees in the public safety bargaining
12 30 unit.

12 31 3. The collective bargaining agreement negotiated pursuant
12 32 to chapter 20 for employees in the security bargaining unit.

12 33 4. The collective bargaining agreement negotiated pursuant
12 34 to chapter 20 for employees in the technical bargaining unit.

12 35 5. The collective bargaining agreement negotiated pursuant
13 1 to chapter 20 for employees in the professional fiscal and
13 2 staff bargaining unit.

13 3 6. The collective bargaining agreement negotiated pursuant
13 4 to chapter 20 for employees in the clerical bargaining unit.

13 5 7. The collective bargaining agreement negotiated pursuant
13 6 to chapter 20 for employees in the professional social
13 7 services bargaining unit.

13 8 8. The collective bargaining agreement negotiated pursuant
13 9 to chapter 20 for employees in the community-based corrections
13 10 bargaining unit.

13 11 9. The collective bargaining agreements negotiated
13 12 pursuant to chapter 20 for employees in the judicial branch of
13 13 government bargaining units.

13 14 10. The collective bargaining agreement negotiated
13 15 pursuant to chapter 20 for employees in the patient care
13 16 bargaining unit.

13 17 11. The collective bargaining agreement negotiated
13 18 pursuant to chapter 20 for employees in the science bargaining
13 19 unit.

13 20 12. The collective bargaining agreement negotiated
13 21 pursuant to chapter 20 for employees in the university of
13 22 northern Iowa faculty bargaining unit.

13 23 13. The collective bargaining agreement negotiated
13 24 pursuant to chapter 20 for employees in the state university
13 25 of Iowa graduate student bargaining unit.

13 26 14. The collective bargaining agreement negotiated
13 27 pursuant to chapter 20 for employees in the state university
13 28 of Iowa hospital and clinics tertiary health care bargaining
13 29 unit.

13 30 15. The annual pay adjustments, related benefits, and
13 31 expense reimbursements referred to in the sections of this
13 32 division of this Act addressing noncontract state and board of
13 33 regents employees who are not covered by a collective

13 34 bargaining agreement.

13 35 Of the amount appropriated in this section, \$7,647,352
14 1 shall be allocated to the judicial branch for the purposes of
14 2 funding annual pay adjustments, expense reimbursements, and
14 3 related benefits implemented for judicial branch employees.

14 4 Sec. 16. NONCONTRACT STATE EMPLOYEES == GENERAL.

14 5 1. a. For the fiscal year beginning July 1, 2008, the
14 6 maximum and minimum salary levels of all pay plans provided
14 7 for in section 8A.413, subsection 2, as they exist for the
14 8 fiscal year ending June 30, 2008, shall be increased by 3
14 9 percent for the pay period beginning June 27, 2008, and any
14 10 additional changes in the pay plans shall be approved by the
14 11 governor.

14 12 b. For the fiscal year beginning July 1, 2008, employees
14 13 may receive a step increase or the equivalent of a step
14 14 increase.

14 15 c. Notwithstanding the increase in paragraph "a",
14 16 noncontract judicial branch employees shall receive increases
14 17 similar to those employees covered by collective bargaining
14 18 agreements negotiated by the judicial branch.

14 19 2. The pay plans for state employees who are exempt from
14 20 chapter 8A, subchapter IV, and who are included in the
14 21 department of administrative service's centralized payroll
14 22 system shall be increased in the same manner as provided in
14 23 subsection 1, and any additional changes in any executive
14 24 branch pay plans shall be approved by the governor.

14 25 3. This section does not apply to members of the general
14 26 assembly, board members, commission members, salaries of
14 27 persons set by the general assembly pursuant to this division
14 28 of this Act or set by the governor, or other persons
14 29 designated in the section of this division of this Act
14 30 addressing appointed state officers, employees designated
14 31 under section 8A.412, subsection 5, and employees covered by
14 32 11 IAC 53.6(3).

14 33 4. The pay plans for the bargaining eligible employees of
14 34 the state shall be increased in the same manner as provided in
14 35 subsection 1, and any additional changes in such executive
15 1 branch pay plans shall be approved by the governor. As used
15 2 in this section, "bargaining eligible employee" means an
15 3 employee who is eligible to organize under chapter 20, but has
15 4 not done so.

15 5 5. The policies for implementation of this section shall
15 6 be approved by the governor.

15 7 Sec. 17. STATE EMPLOYEES == STATE BOARD OF REGENTS. Funds
15 8 from the appropriation made from the general fund of the state
15 9 in the section of this division of this Act providing for
15 10 funding of collective bargaining agreements shall be allocated
15 11 to the state board of regents for the purposes of providing
15 12 increases for state board of regents employees covered by such
15 13 section of this division of this Act and for state board of
15 14 regents employees not covered by a collective bargaining
15 15 agreement as follows:

15 16 1. For regents merit system employees and merit
15 17 supervisory employees to fund for the fiscal year increases
15 18 comparable to those provided for similar contract-covered
15 19 employees in this division of this Act.

15 20 2. For faculty members and professional and scientific
15 21 employees to fund for the fiscal year percentage increases
15 22 comparable to those provided for contract-covered employees in
15 23 the university of northern Iowa faculty bargaining unit.

15 24 Sec. 18. APPROPRIATIONS FROM ROAD FUNDS.

15 25 1. There is appropriated from the road use tax fund to the
15 26 salary adjustment fund for the fiscal year beginning July 1,
15 27 2008, and ending June 30, 2009, the following amount, or so
15 28 much thereof as may be necessary, to be used for the purpose
15 29 designated:

15 30 To supplement other funds appropriated by the general
15 31 assembly:

15 32 \$ 1,485,911

15 33 2. There is appropriated from the primary road fund to the
15 34 salary adjustment fund, for the fiscal year beginning July 1,
15 35 2008, and ending June 30, 2009, the following amount, or so
16 1 much thereof as may be necessary, to be used for the purpose
16 2 designated:

16 3 To supplement other funds appropriated by the general
16 4 assembly:

16 5 \$ 8,335,688

16 6 3. Except as otherwise provided in this division of this
16 7 Act, the amounts appropriated in subsections 1 and 2 shall be
16 8 used to fund the annual pay adjustments, expense
16 9 reimbursements, and related benefits for public employees as

16 10 provided in this division of this Act.
16 11 Sec. 19. SPECIAL FUNDS == AUTHORIZATION. To departmental
16 12 revolving, trust, or special funds, except for the primary
16 13 road fund or the road use tax fund, for which the general
16 14 assembly has established an operating budget, a supplemental
16 15 expenditure authorization is provided, unless otherwise
16 16 provided, in an amount necessary to fund salary adjustments as
16 17 otherwise provided in this division of this Act.

16 18 Sec. 20. GENERAL FUND SALARY MONEYS. Funds appropriated
16 19 from the general fund of the state for distribution from the
16 20 salary adjustment fund in the section of this division of this
16 21 Act providing for funding of collective bargaining agreements
16 22 relate only to salaries supported from general fund
16 23 appropriations of the state. Funds appropriated from the
16 24 general fund of the state for employees of the state board of
16 25 regents relate only to salaries supported by tuition or from
16 26 general fund appropriations of the state and shall exclude
16 27 general university indirect costs and general university
16 28 federal funds.

16 29 Sec. 21. FEDERAL FUNDS APPROPRIATED. All federal grants
16 30 to and the federal receipts of the agencies affected by this
16 31 division of Act which are received and may be expended for
16 32 purposes of this division of this Act are appropriated for
16 33 those purposes and as set forth in the federal grants or
16 34 receipts.

16 35 Sec. 22. STATE TROOPER MEAL ALLOWANCE. The sworn peace
17 1 officers in the department of public safety who are not
17 2 covered by a collective bargaining agreement negotiated
17 3 pursuant to chapter 20 shall receive the same per diem meal
17 4 allowance as the sworn peace officers in the department of
17 5 public safety who are covered by a collective bargaining
17 6 agreement negotiated pursuant to chapter 20.

17 7 Sec. 23. SALARY MODEL ADMINISTRATOR. The salary model
17 8 administrator shall work in conjunction with the legislative
17 9 services agency to maintain the state's salary model used for
17 10 analyzing, comparing, and projecting state employee salary and
17 11 benefit information, including information relating to
17 12 employees of the state board of regents. The department of
17 13 revenue, the department of administrative services, the five
17 14 institutions under the jurisdiction of the state board of
17 15 regents, the judicial district departments of correctional
17 16 services, and the state department of transportation shall
17 17 provide salary data to the department of management and the
17 18 legislative services agency to operate the state's salary
17 19 model. The format and frequency of provision of the salary
17 20 data shall be determined by the department of management and
17 21 the legislative services agency. The information shall be
17 22 used in collective bargaining processes under chapter 20 and
17 23 in calculating the funding needs contained within the annual
17 24 salary adjustment legislation. A state employee organization
17 25 as defined in section 20.3, subsection 4, may request
17 26 information produced by the model, but the information
17 27 provided shall not contain information attributable to
17 28 individual employees.

17 29 DIVISION IV

17 30 MISCELLANEOUS STATUTORY CHANGES == APPROPRIATIONS

17 31 Sec. 24. NEW SECTION. 15.368 WORLD FOOD PRIZE AWARD AND
17 32 SUPPORT.

17 33 1. Commencing with the fiscal year beginning July 1, 2009,
17 34 there is annually appropriated from the general fund of the
17 35 state to the department one million dollars for the support of
18 1 the world food prize award.

18 2 2. The Iowa state capitol is designated as the primary
18 3 location for the annual ceremony to award the world food
18 4 prize.

18 5 Sec. 25. Section 15F.204, subsection 5, unnumbered
18 6 paragraph 1, Code 2007, is amended to read as follows:

18 7 At the beginning of each fiscal year, the board shall
18 8 allocate one hundred thousand dollars for purposes of
18 9 marketing those projects that are receiving moneys from the
18 10 fund. After the marketing allocation, the board shall
18 11 allocate all remaining moneys in the fund in the following
18 12 manner:

18 13 Sec. 26. Section 16.92, subsection 5, paragraph c, Code
18 14 Supplement 2007, is amended to read as follows:

18 15 c. In addition to any other remedy provided by law, if the
18 16 division through an act of negligence wrongfully or
18 17 erroneously records a certificate of release under this
18 18 section, the division is liable to the mortgagee and mortgage
18 19 servicer for actual damages sustained due to the recording of
18 20 the certificate of release.

18 21 Sec. 27. Section 21.5, subsection 1, Code Supplement 2007,
18 22 is amended by adding the following new paragraph:

18 23 NEW PARAGRAPH. 1. To discuss patient care quality and
18 24 process improvement initiatives in a meeting of a public
18 25 hospital or to discuss marketing and pricing strategies or
18 26 similar proprietary information in a meeting of a public
18 27 hospital, where public disclosure of such information would
18 28 harm such a hospital's competitive position when no public
18 29 purpose would be served by public disclosure. The minutes and
18 30 the audio recording of a closed session under this paragraph
18 31 shall be available for public inspection when the public
18 32 disclosure would no longer harm the hospital's competitive
18 33 position. For purposes of this paragraph, "public hospital"
18 34 means the same as defined in section 249J.3. This paragraph
18 35 does not apply to the information required to be disclosed
19 1 pursuant to section 347.13, subsection 14, or to any
19 2 discussions relating to terms or conditions of employment,
19 3 including but not limited to compensation of an officer or
19 4 employee or group of officers or employees.

19 5 Sec. 28. Section 22.7, Code Supplement 2007, is amended by
19 6 adding the following new subsection:

19 7 NEW SUBSECTION. 60. CLOSED SESSION RECORDS. Information
19 8 in a record that would permit a governmental body subject to
19 9 chapter 21 to hold a closed session pursuant to section 21.5
19 10 in order to avoid public disclosure of that information, until
19 11 such time as final action is taken on the subject matter of
19 12 that information. Any portion of such a record not subject to
19 13 this subsection shall be made available to the public. After
19 14 the governmental body has taken final action on the subject
19 15 matter pertaining to the information in that record, this
19 16 subsection shall no longer apply. This subsection shall not
19 17 apply more than ninety days after a record is known to exist
19 18 by the governmental body, unless it is not possible for the
19 19 governmental body to take final action within ninety days.
19 20 The burden shall be on the governmental body to prove that
19 21 final action was not possible within the ninety-day period.

19 22 Sec. 29. Section 35A.8, subsection 5, paragraph a, Code
19 23 Supplement 2007, is amended to read as follows:

19 24 a. The executive director shall provide for the
19 25 administration of the bonus authorized in this subsection.
19 26 The ~~commission~~ department shall adopt rules, pursuant to
19 27 chapter 17A, as necessary to administer this subsection
19 28 including but not limited to application procedures,
19 29 investigation, approval or disapproval, and payment of claims.

19 30 Sec. 30. Section 35A.8, subsection 5, paragraph b,
19 31 subparagraph (1), Code Supplement 2007, is amended to read as
19 32 follows:

19 33 (1) A person who served on active duty for not less than
19 34 one hundred twenty days in the armed forces of the United
19 35 States, and who served on active duty at any time between July
20 1 1, 1973, and May 31, 1975, both dates inclusive, and who at
20 2 the time of entering into active duty service was a legal
20 3 resident of the state of Iowa, and who had maintained the
20 4 person's residence in this state for a period of at least six
20 5 months immediately before entering into active duty service,
20 6 and was honorably discharged or separated from active duty
20 7 service, or is still in active service in an honorable status,
20 8 or has been retired, or has been furloughed to a reserve, or
20 9 has been placed on inactive status is entitled to receive from
20 10 moneys appropriated for that purpose the sum of seventeen
20 11 dollars and fifty cents for each month that the person was on
20 12 active duty service in the Vietnam service area, within the
20 13 dates specified in this subparagraph, if the veteran earned
20 14 either a Vietnam service medal or an armed forces
20 15 expeditionary medal-Vietnam or can otherwise establish service
20 16 in the Vietnam service area during that period. Compensation
20 17 under this subparagraph shall not exceed a total sum of five
20 18 hundred dollars. Compensation for a fraction of a month shall
20 19 not be considered unless the fraction is sixteen days or more,
20 20 in which case the fraction shall be computed as a full month.

20 21 Sec. 31. NEW SECTION. 68A.401A REPORTING OF
20 22 CONTRIBUTIONS AND EXPENDITURES RELATING TO ISSUE ADVOCACY.

20 23 1. A political organization that is required to file
20 24 reports with the internal revenue service, pursuant to 26
20 25 U.S.C. } 527, shall file a report with the board if that
20 26 organization does both of the following:

20 27 a. Creates or disseminates a communication of issue
20 28 advocacy in this state.

20 29 b. Receives or expects to receive twenty-five thousand
20 30 dollars or more in gross receipts in any taxable year.

20 31 2. A report required under this section shall contain the

20 32 following information:

20 33 a. The amount, date, and purpose of each expenditure made
20 34 to a person if the aggregate amount of expenditures to such
20 35 person during the calendar year equals or exceeds five hundred
21 1 dollars and the name and address of the person, and, in the
21 2 case of an individual, the occupation and name of employer of
21 3 the individual.

21 4 b. The name and address, and, in the case of an
21 5 individual, the occupation and name of employer of such
21 6 individual, of all contributors which contributed an aggregate
21 7 amount of two hundred dollars or more to the organization
21 8 during the calendar year and the amount and date of the
21 9 contribution.

21 10 3. The board shall by rule establish a procedure for the
21 11 filing of reports required by this section. To the extent
21 12 practicable the reporting periods and filing due dates shall
21 13 be the same as set out in 26 U.S.C. } 527(j)(2).

21 14 4. The term "issue advocacy" means any print, radio,
21 15 televised, telephonic, or electronic communication in any form
21 16 or content, which is disseminated to the general public or a
21 17 segment of the general public, that refers to a clearly
21 18 identified candidate for the general assembly or statewide
21 19 office.

21 20 5. The penalty set out in section 68A.701 does not apply
21 21 to a violation of this section. The penalties for a violation
21 22 of this section are as set out in section 68B.32D.

21 23 Sec. 32. Section 68B.2A, Code 2007, is amended by adding
21 24 the following new subsection:

21 25 NEW SUBSECTION. 4. The board shall adopt rules pursuant
21 26 to chapter 17A further delineating particular situations where
21 27 outside employment or activity of officials and state
21 28 employees of the executive branch will be deemed to create an
21 29 unacceptable conflict of interest.

21 30 Sec. 33. Section 68B.5A, subsections 2 and 5, Code 2007,
21 31 are amended to read as follows:

21 32 2. The head of a major subunit of a department or
21 33 independent state agency whose position involves substantial
21 34 exercise of administrative discretion or the expenditure of
21 35 public funds, a full-time employee of an office of a statewide

22 1 elected official whose position involves substantial exercise
22 2 of administrative discretion or the expenditure of public
22 3 funds, or a legislative employee whose position involves a

22 4 substantial exercise of administrative discretion or the
22 5 expenditure of public funds, shall not, during the time in
22 6 which the person serves or is employed by the state, act as a
22 7 lobbyist before the agency in which the person is employed or
22 8 before state agencies, officials, or employees with whom the
22 9 person has substantial or regular contact as part of the
22 10 person's duties, unless the person is designated, by the
22 11 agency in which the person serves or is employed, to represent
22 12 the official position of the agency.

22 13 5. The head of a major subunit of a department or
22 14 independent state agency whose position involves substantial
22 15 exercise of administrative discretion or the expenditure of
22 16 public funds, a full-time employee of an office of a statewide

22 17 elected official whose position involves substantial exercise
22 18 of administrative discretion or the expenditure of public
22 19 funds, or a legislative employee whose position involves a

22 20 substantial exercise of administrative discretion or the
22 21 expenditure of public funds, shall not, within two years after
22 22 termination of employment, become a lobbyist before the agency
22 23 in which the person was employed or before state agencies or
22 24 officials or employees with whom the person had substantial
22 25 and regular contact as part of the person's former duties.

22 26 Sec. 34. Section 68B.22, subsection 4, Code Supplement
22 27 2007, is amended by adding the following new paragraph:

22 28 NEW PARAGRAPH. hh. Food and beverages provided at a meal
22 29 that is part of a bona fide event or program at which the
22 30 recipient is being honored for public service.

22 31 Sec. 35. Section 97A.10, Code 2007, is amended to read as
22 32 follows:

22 33 97A.10 PURCHASE OF ELIGIBLE SERVICE CREDIT.

22 34 1. For purposes of this section:

22 35 a. "Eligible qualified service" means ~~as follows:~~

23 1 ~~(1) Service with the department prior to July 1, 1994, in~~
23 2 ~~a position as a gaming enforcement officer, fire prevention~~
23 3 ~~inspector peace officer, or as an employee of the division of~~
23 4 ~~capitol police except clerical workers.~~

23 5 ~~(2) Service as a member of a city fire retirement~~
23 6 ~~system or police retirement system operating under chapter 411~~
23 7 ~~prior to January 1, 1992, for which service was not eligible~~

23 8 to be transferred to this system pursuant to section 97A.17.
23 9 Eligible qualified service under this paragraph "a" does
23 10 not include service if the receipt of credit for such service
23 11 would result in the member receiving a retirement benefit
23 12 under more than one retirement plan for the same period of
23 13 service.

23 14 b. "Permissive service credit" means credit that will be
23 15 recognized by the retirement system for purposes of
23 16 calculating a member's benefit, for which the member did not
23 17 previously receive service credit in the retirement system,
23 18 and for which the member voluntarily contributes to the
23 19 retirement system the amount required by the retirement
23 20 system, not in excess of the amount necessary to fund the
23 21 benefit attributable to such service.

23 22 2. An active member of the system may make contributions
23 23 to the system to purchase up to the maximum amount of
23 24 permissive service credit for eligible qualified service as
23 25 determined by the system, pursuant to Internal Revenue Code
23 26 section 415(n) and the requirements of this section. A member
23 27 seeking to purchase permissive service credit pursuant to this
23 28 section shall file a written application along with
23 29 appropriate documentation with the department by July 1, 2007
23 30 2009.

23 31 3. A member making contributions for a purchase of
23 32 permissive service credit for eligible qualified service under
23 33 this section shall make contributions in an amount equal to
23 34 the actuarial cost of the permissive service credit purchase,
23 35 less an amount equal to the member's contributions under

24 1 chapter 411 for the period of eligible qualified service
24 2 together with interest at a rate determined by the board of
24 3 trustees. For purposes of this subsection, the actuarial cost
24 4 of the permissive service credit purchase is an amount
24 5 determined by the system in accordance with actuarial tables,
24 6 as reported to the system by the system's actuary, which
24 7 reflects the actuarial cost necessary to fund an increased
24 8 retirement allowance resulting from the purchase of permissive
24 9 service credit.

24 10 Sec. 36. Section 103.6, Code Supplement 2007, is amended
24 11 by adding the following new subsection:

24 12 NEW SUBSECTION. 5. Adopt rules to create a special master
24 13 license class or subclass and special journeyman license class
24 14 or subclass for individuals who were licensed by a political
24 15 subdivision prior to January 1, 2008, pursuant to a supervised
24 16 written examination that has not been approved by the board
24 17 pursuant to section 103.10, subsection 4, or section 103.12,
24 18 subsection 4. A person licensed pursuant to this subsection
24 19 shall have the same authority as a person holding a
24 20 corresponding class A master license or class A journeyman
24 21 license. However, the board shall not be required to include
24 22 persons licensed under this subsection in any agreement
24 23 entered into pursuant to the authority granted under section
24 24 103.21.

24 25 Sec. 37. Section 103.22, Code Supplement 2007, is amended
24 26 by adding the following new subsection:

24 27 NEW SUBSECTION. 2A. Require firms or individuals working
24 28 under contract to municipal utilities, electric membership or
24 29 cooperative associations, or investor-owned utilities to hold
24 30 licenses while performing work for utilities which is within
24 31 the scope of the public service obligations of a utility.

24 32 Sec. 38. Section 135.63, subsection 2, paragraph 1, Code
24 33 2007, is amended to read as follows:

24 34 1. The replacement or modernization of any institutional
24 35 health facility if the replacement or modernization does not
25 1 add new health services or additional bed capacity for
25 2 existing health services, notwithstanding any provision in
25 3 this division to the contrary. With reference to a hospital,
25 4 "replacement" means establishing a new hospital that
25 5 demonstrates compliance with all of the following criteria
25 6 through evidence submitted to the department:

25 7 (1) Is designated as a critical access hospital pursuant
25 8 to 42 U.S.C. } 1395i-4.

25 9 (2) Serves at least seventy-five percent of the same
25 10 service area that was served by the prior hospital to be
25 11 closed and replaced by the new hospital.

25 12 (3) Provides at least seventy-five percent of the same
25 13 services that were provided by the prior hospital to be closed
25 14 and replaced by the new hospital.

25 15 (4) Is staffed by at least seventy-five percent of the
25 16 same staff, including medical staff, contracted staff, and
25 17 employees, as constituted the staff of the prior hospital to
25 18 be closed and replaced by the new hospital.

25 19 Sec. 39. Section 135B.5, Code 2007, is amended to read as
25 20 follows:

25 21 135B.5 ISSUANCE AND RENEWAL OF LICENSE.

25 22 1. Upon receipt of an application for license and the
25 23 license fee, the department shall issue a license if the
25 24 applicant and hospital facilities comply with this chapter and
25 25 the rules of the department. Each licensee shall receive
25 26 annual reapproval upon payment of ~~ten five hundred~~ five hundred dollars and
25 27 upon filing of an application form which is available from the
25 28 department. The annual licensure fee shall be dedicated to
25 29 support and provide educational programs on regulatory issues
25 30 for hospitals licensed under this chapter in consultation with
25 31 the hospital licensing board. Licenses shall be either

25 32 general or restricted in form. Each license shall be issued
25 33 only for the premises and persons or governmental units named
25 34 in the application and is not transferable or assignable
25 35 except with the written approval of the department. Licenses
26 1 shall be posted in a conspicuous place on the licensed
26 2 premises as prescribed by rule of the department.

26 3 2. ~~Provided, however, that the~~ The provisions of this
26 4 section shall not in any way affect, change, deny or nullify
26 5 any rights set forth in, or arising from the provisions of
26 6 this chapter and particularly section 135B.7, arising before
26 7 or after December 31, 1960.

26 8 Sec. 40. Section 135B.10, Code 2007, is amended to read as
26 9 follows:

26 10 135B.10 HOSPITAL LICENSING BOARD.

26 11 The governor shall appoint ~~five six~~ five individuals ~~who possess~~
26 12 ~~recognized ability in the field of hospital administration,~~ to
26 13 serve as the hospital licensing board within the department.
26 14 Five members shall possess recognized ability in the field of
26 15 hospital administration and one member shall be a member of
26 16 the general public.

26 17 Sec. 41. Section 175.2, subsection 1, paragraph m, Code
26 18 2007, is amended to read as follows:

26 19 m. (1) "Low or moderate net worth" means a person's
26 20 aggregate net worth calculated as a designated amount
26 21 established pursuant to rules adopted by the authority and
26 22 effective for one year. The designated amount shall be
26 23 established by January 1 of each year by adjusting the
26 24 designated amount effective on the previous December 31. The
26 25 authority shall establish the designated amount in accordance
26 26 with the prices paid by farmers index as compiled by the
26 27 United States department of agriculture.

26 28 (2) "Low or moderate net worth" as applied to the
26 29 following persons means:

26 30 (+1) (a) For an individual, an aggregate net worth of the
26 31 individual and the individual's spouse and minor children of
26 32 less than ~~three hundred thousand dollars~~ the designated
26 33 amount.

26 34 (+2) (b) For a partnership, an aggregate net worth of all
26 35 partners, including each partner's net capital in the
27 1 partnership, and each partner's spouse and minor children of
27 2 less than ~~six hundred thousand dollars~~ twice the designated
27 3 amount. However, the aggregate net worth of each partner and
27 4 that partner's spouse and minor children shall not exceed
27 5 ~~three hundred thousand dollars~~ the designated amount.

27 6 (+3) (c) For a family farm corporation, an aggregate net
27 7 worth of all shareholders, including the value of each
27 8 shareholder's share in the family farm corporation, and each
27 9 shareholder's spouse and minor children of less than ~~six~~
27 10 ~~hundred thousand dollars~~ twice the designated amount.
27 11 However, the aggregate net worth of each shareholder and that
27 12 shareholder's spouse and minor children shall not exceed ~~three~~
27 13 ~~hundred thousand dollars~~ the designated amount.

27 14 (+4) (d) For a family farm limited liability company, an
27 15 aggregate net worth of all members, including each member's
27 16 ownership interest in the family farm limited liability
27 17 company, and each member's spouse and minor children of less
27 18 than ~~six hundred thousand dollars~~ twice the designated amount.
27 19 However, the aggregate net worth of each member and that
27 20 member's spouse and minor children shall not exceed ~~three~~
27 21 ~~hundred thousand dollars~~ the designated amount.

27 22 Sec. 42. Section 216A.162, subsection 2, if enacted by
27 23 2008 Iowa Acts, Senate File 2400, is amended to read as
27 24 follows:

27 25 2. The purpose of the commission shall be to work in
27 26 concert with ~~tribal governments,~~ Native American groups, and
27 27 Native American persons Americans in this state to advance the
27 28 interests of ~~tribal governments and Native American persons~~
27 29 Americans in the areas of human rights, access to justice,

27 30 economic equality, and the elimination of discrimination.

27 31 Sec. 43. Section 216A.162, subsection 3, paragraph a, if
27 32 enacted by 2008 Iowa Acts, Senate File 2400, is amended to
27 33 read as follows:

27 34 a. Seven public members appointed in compliance with
27 35 sections 69.16 and 69.16A who shall be appointed with
28 1 consideration given to the geographic residence of the member
28 2 and the population density of Native Americans within the
28 3 vicinity of the geographic residence of a member. Of the
28 4 seven public members appointed, at least one shall be a Native
28 5 American who is an enrolled tribal member living on a tribal
28 6 settlement or reservation in Iowa and whose tribal government
28 7 is located in Iowa ~~and one shall be a Native American who is~~
28 8 ~~primarily descended from a tribe other than those specified in~~
28 9 ~~paragraph "b".~~

28 10 Sec. 44. Section 216A.165, if enacted by 2008 Iowa Acts,
28 11 Senate File 2400, is amended to read as follows:

28 12 216A.165 DUTIES.

28 13 The commission shall have all powers necessary to carry out
28 14 the functions and duties specified in this subchapter and
28 15 shall do all of the following:

28 16 1. Advise the governor and the general assembly on issues
28 17 ~~confronting tribal governments and Native American persons~~
28 18 Americans in this state.

28 19 2. Promote legislation beneficial to ~~tribal governments~~
28 20 ~~and Native American persons~~ Americans in this state.

28 21 3. Recommend to the governor and the general assembly any
28 22 revisions in the state's affirmative action program and other
28 23 steps necessary to eliminate discrimination against and the
28 24 underutilization of Native ~~American persons~~ Americans in the
28 25 state's workforce.

28 26 4. Serve as a conduit to state government for Native
28 27 ~~American persons~~ Americans in this state.

28 28 5. Serve as an advocate for Native ~~American persons~~
28 29 Americans and a referral agency to assist Native ~~American~~
28 30 ~~persons~~ Americans in securing access to justice and state
28 31 agencies and programs.

28 32 6. Serve as a liaison with federal, state, and local
28 33 governmental units, and private organizations on matters
28 34 relating to Native ~~American persons~~ Americans in this state.

28 35 7. Conduct studies, make recommendations, and implement
29 1 programs designed to solve the problems of Native ~~American~~
29 2 ~~persons~~ Americans in this state in the areas of human rights,
29 3 housing, education, welfare, employment, health care, access
29 4 to justice, and any other related problems.

29 5 8. Publicize the accomplishments of Native ~~American~~
29 6 ~~persons~~ Americans and their contributions to this state.

29 7 9. Work with other state, tribal, and federal agencies and
29 8 organizations to develop small business opportunities and
29 9 promote economic development for Native ~~American persons~~
29 10 Americans.

29 11 Sec. 45. Section 216A.166, if enacted by 2008 Iowa Acts,
29 12 Senate File 2400, is amended to read as follows:

29 13 216A.166 REVIEW OF GRANT APPLICATIONS AND BUDGET REQUESTS.

29 14 Before the submission of an application, a state department
29 15 or agency shall consult with the commission concerning an
29 16 application for federal funding that will have its primary
29 17 effect on ~~tribal governments or Native American persons~~
29 18 Americans. The commission shall advise the governor, the
29 19 director of the department of human rights, and the director
29 20 of revenue concerning any state agency budget request that
29 21 will have its primary effect on ~~tribal governments or Native~~
29 22 ~~American persons~~ Americans.

29 23 Sec. 46. NEW SECTION. 279.67 COMPETITIVE LIVING WAGE.

29 24 It is the goal of this state that every employee of a
29 25 public school corporation be provided with a competitive
29 26 living wage.

29 27 Sec. 47. Section 331.304, subsection 10, Code Supplement
29 28 2007, is amended to read as follows:

29 29 10. A county shall not adopt or enforce any ordinance
29 30 imposing any registration or licensing system or registration
29 31 or license fees for or relating to owner-occupied manufactured
29 32 or mobile homes including the lots, or lands, or manufactured
29 33 home community or mobile home park upon or in which they are
29 34 located. A county shall not adopt or enforce any ordinance
29 35 imposing any registration or licensing system, or registration
30 1 or license fees, or safety or sanitary standards for rental
30 2 manufactured or mobile homes unless similar registration or
30 3 licensing system, or registration or license fees, or safety
30 4 or sanitary standards are required for other rental properties
30 5 intended for human habitation. This subsection does not

30 6 preclude the investigation and abatement of a nuisance or the
30 7 enforcement of a tiedown system, or the enforcement of any
30 8 regulations of the state or local board of health if those
30 9 regulations apply to other rental properties or to
30 10 owner-occupied housing intended for human habitation.

30 11 Sec. 48. Section 364.3, subsection 5, Code 2007, is
30 12 amended to read as follows:

30 13 5. A city shall not adopt or enforce any ordinance
30 14 imposing any registration or licensing system or registration
30 15 or license fees for or relating to owner-occupied manufactured
30 16 or mobile homes including the lots, ~~or~~ lands, or manufactured
30 17 home community or mobile home park upon or in which they are
30 18 located. A city shall not adopt or enforce any ordinance
30 19 imposing any registration or licensing system, or registration
30 20 or license fees, or safety or sanitary standards for rental
30 21 manufactured or mobile homes unless a similar registration or
30 22 licensing system, or registration or license fees, or safety
30 23 or sanitary standards are required for other rental properties
30 24 intended for human habitation. This subsection does not
30 25 preclude the investigation and abatement of a nuisance or the
30 26 enforcement of a tiedown system, or the enforcement of any
30 27 regulations of the state or local board of health if those
30 28 regulations apply to other rental properties or to
30 29 owner-occupied housing intended for human habitation.

30 30 Sec. 49. NEW SECTION. 422.11V CHARITABLE CONSERVATION
30 31 CONTRIBUTION TAX CREDIT.

30 32 1. The taxes imposed under this division, less the credits
30 33 allowed under section 422.12, shall be reduced by a charitable
30 34 conservation contribution tax credit equal to fifty percent of
30 35 the fair market value of a qualified real property interest
31 1 located in the state that is conveyed as an unconditional
31 2 charitable donation in perpetuity by the taxpayer to a
31 3 qualified organization exclusively for conservation purposes.
31 4 The maximum amount of tax credit is one hundred thousand
31 5 dollars. The amount of the contribution for which the tax
31 6 credit is claimed shall not be deductible in determining
31 7 taxable income for state tax purposes.

31 8 2. For purposes of this section, "conservation purpose",
31 9 "qualified organization", and "qualified real property
31 10 interest" mean the same as defined for the qualified
31 11 conservation contribution under section 170(h) of the Internal
31 12 Revenue Code, except that a conveyance of land for open space
31 13 for the purpose of fulfilling density requirements to obtain
31 14 subdivision or building permits shall not be considered a
31 15 conveyance for a conservation purpose.

31 16 3. Any credit in excess of the tax liability is not
31 17 refundable but the excess for the tax year may be credited to
31 18 the tax liability for the following twenty tax years or until
31 19 depleted, whichever is the earlier.

31 20 4. An individual may claim the tax credit allowed a
31 21 partnership, limited liability company, S corporation, estate,
31 22 or trust electing to have the income taxed directly to the
31 23 individual. The amount claimed by the individual shall be
31 24 based upon the pro rata share of the individual's earnings of
31 25 the partnership, limited liability company, S corporation,
31 26 estate, or trust.

31 27 Sec. 50. Section 422.33, Code Supplement 2007, is amended
31 28 by adding the following new subsection:

31 29 NEW SUBSECTION. 25. a. The taxes imposed under this
31 30 division shall be reduced by a charitable conservation
31 31 contribution tax credit equal to fifty percent of the fair
31 32 market value of a qualified real property interest located in
31 33 the state that is conveyed as an unconditional charitable
31 34 donation in perpetuity by the taxpayer to a qualified
31 35 organization exclusively for conservation purposes. The
32 1 maximum amount of tax credit is one hundred thousand dollars.
32 2 The amount of the contribution for which the tax credit is
32 3 claimed shall not be deductible in determining taxable income
32 4 for state tax purposes.

32 5 b. For purposes of this section, "conservation purpose",
32 6 "qualified organization", and "qualified real property
32 7 interest" mean the same as defined for the qualified
32 8 conservation contribution under section 170(h) of the Internal
32 9 Revenue Code, except that a conveyance of land for open space
32 10 for the purpose of fulfilling density requirements to obtain
32 11 subdivision or building permits shall not be considered a
32 12 conveyance for a conservation purpose.

32 13 c. Any credit in excess of the tax liability is not
32 14 refundable but the excess for the tax year may be credited to
32 15 the tax liability for the following twenty tax years or until
32 16 depleted, whichever is the earlier.

32 17 Sec. 51. Section 423.6, subsection 14, Code 2007, is
32 18 amended to read as follows:

32 19 14. Mobile homes to the extent of the portion of the
32 20 purchase price of the mobile home which is not attributable to
32 21 the cost of the tangible personal property used in the
32 22 processing of the mobile home, and manufactured housing to the
32 23 extent of the purchase price or the installed purchase price
32 24 of the manufactured housing which is not attributable to the
32 25 cost of the tangible personal property used in the processing
32 26 of the manufactured housing. For purposes of this exemption,
32 27 the portion of the purchase price which is not attributable to
32 28 the cost of the tangible personal property used in the
32 29 processing of the mobile home is ~~forty eighty~~ percent and the
32 30 portion of the purchase price or installed purchase price
32 31 which is not attributable to the cost of the tangible personal
32 32 property used in the processing of the manufactured housing is
32 33 ~~forty eighty~~ percent.

32 34 Sec. 52. Section 423E.4, subsection 3, paragraph b,
32 35 subparagraph (2), Code 2007, as amended by 2008 Iowa Acts,
33 1 House File 2663, section 21, if enacted, is amended to read as
33 2 follows:

33 3 (2) "Sales tax capacity per student" means for a school
33 4 district the estimated amount of revenues that a school
33 5 district would receive if a local sales and services tax for
33 6 school infrastructure purposes was imposed at one percent in
33 7 the county pursuant to section 423E.2, Code 2007, ~~as computed~~
~~33 8 in subsection 8,~~ divided by the school district's actual
33 9 enrollment as determined in section 423E.3, subsection 5,
33 10 paragraph "d".

33 11 Sec. 53. Section 423E.4, subsection 3, paragraph b,
33 12 subparagraph (3), Code 2007, as amended by 2008 Iowa Acts,
33 13 House File 2663, section 22, if enacted, is amended to read as
33 14 follows:

33 15 (3) "Statewide tax revenues per student" means the amount
33 16 determined by estimating the total revenues that would be
33 17 generated by a one percent local option sales and services tax
33 18 for school infrastructure purposes if imposed by all the
33 19 counties during the entire fiscal year, ~~as computed in~~
~~33 20 subsection 8,~~ and dividing this estimated revenue amount by
33 21 the sum of the combined actual enrollment for all counties as
33 22 determined in section 423E.3, subsection 5, paragraph "d",
33 23 subparagraph (2).

33 24 Sec. 54. Section 423E.4, subsection 8, as enacted by 2008
33 25 Iowa Acts, House File 2663, section 25, if enacted, is amended
33 26 by striking the subsection.

33 27 Sec. 55. Section 423F.2, subsection 1, paragraph b, as
33 28 enacted by 2008 Iowa Acts, House File 2663, section 28, if
33 29 enacted, is amended to read as follows:

33 30 b. The increase in the state sales, services, and use
33 31 taxes under chapter 423, subchapters II and III, from five
33 32 percent to six percent shall replace the repeal of the
33 33 county's local sales and services tax for school
33 34 infrastructure purposes. The distribution of moneys in the
33 35 secure an advanced vision for education fund and the use of
34 1 the moneys for infrastructure purposes or property tax relief
34 2 shall be as provided in this chapter. However, the formula
34 3 for the distribution of the moneys in the fund shall be based
34 4 upon amounts that would have been received if the local sales
34 5 and services taxes under chapter 423E, Code 2007, continued in
34 6 existence, ~~as computed pursuant to section 423E.4, subsection~~
~~34 7 8.~~

34 8 Sec. 56. Section 441.37A, subsection 1, unnumbered
34 9 paragraph 1, Code 2007, is amended to read as follows:

34 10 For the assessment year beginning January 1, 2007, and all
34 11 subsequent assessment years, appeals may be taken from the
34 12 action of the board of review with reference to protests of
34 13 assessment, valuation, or application of an equalization order
34 14 to the property assessment appeal board created in section
34 15 421.1A. However, a property owner or aggrieved taxpayer or an
34 16 appellant described in section 441.42 may bypass the property
34 17 assessment appeal board and appeal the decision of the local
34 18 board of review to the district court pursuant to section
34 19 441.38. For an appeal to the property assessment appeal board
34 20 to be valid, written notice must be filed by the party
34 21 appealing the decision with the secretary of the property
34 22 assessment appeal board within twenty days after the date the
34 23 board of review's letter of disposition of the appeal is
34 24 postmarked to the party making the protest. The written
34 25 notice of appeal shall include a petition setting forth the
34 26 basis of the appeal and the relief sought. No new grounds in
34 27 addition to those set out in the protest to the local board of

34 28 review as provided in section 441.37 can be pleaded, but
34 29 additional evidence to sustain those grounds may be
34 30 introduced. The assessor shall have the same right to appeal
34 31 to the assessment appeal board as an individual taxpayer,
34 32 public body, or other public officer as provided in section
34 33 441.42. An appeal to the board is a contested case under
34 34 chapter 17A.

34 35 Sec. 57. Section 441.37A, subsection 2, unnumbered
35 1 paragraph 2, Code 2007, is amended to read as follows:
35 2 An appeal may be considered by less than a majority of the
35 3 members of the board, and the chairperson of the board may
35 4 assign members to consider appeals. If a hearing is
35 5 requested, it shall be open to the public and shall be
35 6 conducted in accordance with the rules of practice and
35 7 procedure adopted by the board. However, any deliberation of
35 8 a board member considering the appeal in reaching a decision
35 9 on any appeal shall be confidential. A meeting of the board
35 10 to rule on procedural motions in a pending appeal or to
35 11 deliberate on the decision to be reached in an appeal is

35 12 exempt from the provisions of chapter 21. The property
35 13 assessment appeal board or any member of the board may require
35 14 the production of any books, records, papers, or documents as
35 15 evidence in any matter pending before the board that may be
35 16 material, relevant, or necessary for the making of a just
35 17 decision. Any books, records, papers, or documents produced
35 18 as evidence shall become part of the record of the appeal.
35 19 Any testimony given relating to the appeal shall be
35 20 transcribed and made a part of the record of the appeal.

35 21 Sec. 58. NEW SECTION. 441.38B APPEAL TO DISTRICT COURT
35 22 FROM PROPERTY ASSESSMENT APPEAL BOARD.
35 23 A person or party who is aggrieved or adversely affected by
35 24 a decision of the property assessment appeal board may seek
35 25 judicial review of the decision as provided in chapter 17A and
35 26 section 441.38.

35 27 Sec. 59. NEW SECTION. 455C.17 GRANTS FOR INDEPENDENT
35 28 REDEMPTION CENTERS.
35 29 1. An independent redemption center grant program shall be
35 30 established by the department to award grants for improvements
35 31 to independent redemption centers. An "independent redemption
35 32 center" is a redemption center that is also a nonprofit or a
35 33 for-profit facility that has existed prior to July 1, 2008,
35 34 and that is not affiliated with or in any way a subsidiary of
35 35 a dealer, a distributor, or a manufacturer.

36 1 2. a. An independent redemption center grant fund is
36 2 established in the state treasury under the authority of the
36 3 department. The fund shall consist of moneys appropriated to
36 4 the fund or appropriated to the department for purposes of the
36 5 grant program. Moneys in the fund are appropriated to the
36 6 department to be used for the grant program.

36 7 b. Notwithstanding section 8.33, moneys in the fund at the
36 8 close of any fiscal year shall not revert to any other fund
36 9 but shall remain in the fund for the subsequent fiscal year to
36 10 be used for purposes of the fund.

36 11 3. a. Moneys in the grant fund shall be used by the
36 12 department to provide grants to independent redemption centers
36 13 for purposes of making improvements to such centers. The
36 14 department shall not award grants in a fiscal year in an
36 15 aggregate of more than one million dollars. A grant shall not
36 16 exceed fifteen thousand dollars for any independent redemption
36 17 center.

36 18 b. The department shall not pay administrative costs
36 19 relating to the management of the grant program in excess of
36 20 three and one-half percent of the moneys in the fund in a
36 21 fiscal year.

36 22 Sec. 60. Section 535.8, subsection 1, Code 2007, is
36 23 amended by striking the subsection and inserting in lieu
36 24 thereof the following:

36 25 1. DEFINITIONS. For purposes of this section, unless the
36 26 context otherwise requires:

36 27 a. "Lender" means a person who makes or originates a loan;
36 28 a person who is identified as a lender on the loan documents;
36 29 a person who arranges, negotiates, or brokers a loan; and a
36 30 person who provides any goods or services as an incident to or
36 31 as a condition required for the making or closing of the loan.
36 32 "Lender" does not include a licensed attorney admitted to
36 33 practice in this state acting solely as an incident to the
36 34 practice of law.

36 35 b. "Loan" means a loan of money which is wholly or in part
37 1 to be used for the purpose of purchasing real property which
37 2 is a single-family or two-family dwelling occupied or to be
37 3 occupied by the borrower. A loan includes the refinancing of

37 4 a contract of sale, and the refinancing of a prior loan,
37 5 whether or not the borrower also was the borrower under the
37 6 prior loan, and the assumption of a prior loan.
37 7 Sec. 61. Section 535.8, subsection 2, paragraphs a and b,
37 8 Code 2007, are amended to read as follows:

37 9 a. ~~A lender may collect~~ borrower may be charged by a
37 10 lender, in connection with a loan made pursuant to a written
37 11 agreement executed by the borrower on or after July 1, 1983,
37 12 or in connection with a loan made pursuant to a written
37 13 commitment by the lender mailed or delivered to the borrower
37 14 on or after that date, a loan origination or processing fee, a
37 15 broker fee, or both, which ~~does together do~~ not exceed two
37 16 percent of an amount which is equal to the loan principal;
37 17 except that to the extent of an assumption by a new borrower
37 18 of the obligation to make payments under a prior loan, or to
37 19 the extent that the loan principal is used to refinance a
37 20 prior loan between the same borrower and the same lender, the
37 21 ~~lender may collect~~ borrower may be charged by a lender a loan
37 22 origination or processing fee, a broker fee, or both, which
37 23 ~~does together do~~ not exceed an amount which is a reasonable
37 24 estimate of the expenses of processing the loan assumption or
37 25 refinancing but which does not exceed one percent of the
37 26 unpaid balance of the loan that is assumed or refinanced. In
37 27 addition, a ~~lender may collect from a borrower, a seller of~~
37 28 ~~property, another lender, or any other person, or from any~~
37 29 ~~combination of these persons~~ borrower may be charged by a
37 30 lender, in contemplation of or in connection with a loan, a
37 31 commitment fee, closing fee, or both, that is agreed to in
37 32 writing by the lender and the ~~persons from whom the charges~~
37 33 ~~are to be collected~~ borrower. A loan fee ~~collected~~ paid by a
37 34 borrower to a lender under this paragraph is compensation to
37 35 the lender solely for the use of money, notwithstanding any
38 1 provision of the agreement to the contrary. However, a loan
38 2 fee collected under this paragraph shall be disregarded for
38 3 purposes of determining the maximum charge permitted by
38 4 section 535.2 or 535.9, subsection 2. ~~The collection A lender~~
38 5 ~~is prohibited from charging a borrower~~ in connection with a
38 6 loan ~~of~~ a loan origination or processing fee, broker fee,
38 7 closing fee, commitment fee, or similar charge is prohibited
38 8 other than expressly authorized by this paragraph or a payment
38 9 reduction fee authorized by subsection 3.

38 10 b. ~~A lender may collect~~ borrower may be charged by a
38 11 lender in connection with a loan any of the following costs
38 12 which are incurred by the lender in connection with the loan
38 13 and which are disclosed to the borrower:
38 14 (1) Credit reports.
38 15 (2) Appraisal fees paid to a third party, or when the
38 16 appraisal is performed by the lender, a fee which is a
38 17 reasonable estimate of the expense incurred by the lender in
38 18 performing the appraisal.
38 19 (3) Attorney's opinions.
38 20 (4) Abstracting fees paid to a third party, or when the
38 21 abstracting is performed by the lender, a fee which is a
38 22 reasonable estimate of the expense incurred by the lender in
38 23 performing the abstracting.
38 24 (5) County recorder's fees.
38 25 (6) Inspection fees.
38 26 (7) Mortgage guarantee insurance charge.
38 27 (8) Surveying of property.
38 28 (9) Termite inspection.
38 29 (10) The cost of a title guaranty issued by the Iowa
38 30 finance authority pursuant to chapter 16.
38 31 (11) A bona fide and reasonable settlement or closing fee
38 32 which is paid to a third party to settle or close the loan.

38 33 The lender shall not charge the borrower for the cost of
38 34 revenue stamps or real estate commissions which are paid by
38 35 the seller.
39 1 ~~The collection of A lender shall not charge the borrower~~
39 2 ~~any costs other than as expressly permitted by this paragraph~~
39 3 ~~"b" is prohibited~~. However, additional costs incurred in
39 4 connection with a loan under this paragraph "b", if bona fide
39 5 and reasonable, may be collected by a state-chartered
39 6 financial institution licensed under chapter 524, 533, or 534,
39 7 to the extent permitted under applicable federal law as
39 8 determined by the office of the comptroller of the currency of
39 9 the United States department of treasury, the national credit
39 10 union administration, or the office of thrift supervision of
39 11 the United States department of treasury. Such costs shall
39 12 apply only to the same type of state-chartered entity as the
39 13 federally chartered entity affected and shall apply to and may
39 14 be collected by an insurer organized under chapter 508 or 515,

39 15 or otherwise authorized to conduct the business of insurance
39 16 in this state.

39 17 Nothing in this section shall be construed to change the
39 18 prohibition against the sale of title insurance or sale of
39 19 insurance against loss or damage by reason of defective title
39 20 or encumbrances as provided in section 515.48, subsection 10.

39 21 Sec. 62. Section 622.10, subsection 3, paragraphs a, d,
39 22 and e, Code Supplement 2007, are amended to read as follows:

39 23 a. In a civil action in which the condition of the
39 24 plaintiff in whose favor the prohibition is made is an element
39 25 or factor of the claim or defense of the adverse party or of
39 26 any party claiming through or under the adverse party, the
39 27 adverse party shall make a written request for records
39 28 relating to the condition alleged upon the plaintiff's ~~counsel~~
39 29 ~~attorney~~ for a legally sufficient patient's waiver under
39 30 federal and state law. Upon receipt of a written request, the
39 31 plaintiff shall execute ~~the a legally sufficient~~ patient's
39 32 waiver and release it to the adverse party making the request
39 33 within sixty days of receipt of the written request. The
39 34 patient's waiver may require a physician or surgeon, physician
39 35 assistant, advanced registered nurse practitioner, or mental
40 1 health professional to do all of the following:

40 2 (1) Provide a complete copy of the patient's records
40 3 including, but not limited to, any reports or diagnostic
40 4 imaging relating to the condition alleged.

40 5 (2) Consult with the attorney for the adverse party prior
40 6 to providing testimony regarding the plaintiff's medical
40 7 history and the condition alleged and opinions regarding
40 8 health etiology and prognosis for the condition alleged
40 9 subject to the limitations in ~~paragraph~~ paragraphs "c" and
40 10 "e".

40 11 d. Any physician or surgeon, physician assistant, advanced
40 12 registered nurse practitioner, or mental health professional
40 13 who provides records or consults with the ~~counsel~~ attorney for
40 14 ~~the adverse any~~ party shall be entitled to charge a reasonable
40 15 fee for production of the records, diagnostic imaging, and
40 16 consultation. Any party seeking consultation shall be
40 17 responsible for payment of all charges. ~~The fee fees~~ for
40 18 copies of any records shall ~~be based upon actual cost of~~
40 19 ~~production be as specified in subsection 4A.~~

40 20 e. Defendant's counsel shall provide a written notice to
40 21 plaintiff's ~~counsel~~ attorney in a manner consistent with the
40 22 Iowa rules of civil procedure providing for notice of
40 23 deposition at least ten days prior to any meeting with
40 24 plaintiff's physician or surgeon, physician assistant,
40 25 advanced registered nurse practitioner, or mental health
40 26 professional. Plaintiff's ~~counsel~~ attorney has the right to
40 27 be present at all such meetings, or participate in telephonic
40 28 communication with the physician or surgeon, physician
40 29 assistant, advanced registered nurse practitioner, or mental
40 30 health professional and ~~counsel~~ attorney for the defendant.
40 31 Prior to scheduling any meeting or engaging in any
40 32 communication with the physician or surgeon, physician
40 33 assistant, advanced registered nurse practitioner, or mental
40 34 health professional, attorney for the defendant shall confer
40 35 with plaintiff's attorney to determine a mutually convenient

41 1 date and time for such meeting or telephonic communication.
41 2 Plaintiff's ~~counsel~~ attorney may seek a protective order
41 3 structuring all communication by making application to the
41 4 court at any time.

41 5 Sec. 63. Section 622.10, subsection 4, Code Supplement
41 6 2007, is amended to read as follows:

41 7 4. If an adverse party desires the oral deposition, either
41 8 discovery or evidentiary, of a physician or surgeon, physician
41 9 assistant, advanced registered nurse practitioner, or mental
41 10 health professional to which the prohibition would otherwise
41 11 apply or the stenographer or confidential clerk of a physician
41 12 or surgeon, physician assistant, advanced registered nurse
41 13 practitioner, or mental health professional or desires to call
41 14 a physician or surgeon, physician assistant, advanced
41 15 registered nurse practitioner, or mental health professional
41 16 to which the prohibition would otherwise apply or the
41 17 stenographer or confidential clerk of a physician or surgeon,
41 18 physician assistant, advanced registered nurse practitioner,
41 19 or mental health professional as a witness at the trial of the
41 20 action, the adverse party shall file an application with the
41 21 court for permission to do so. The court upon hearing, which
41 22 shall not be ex parte, shall grant permission unless the court
41 23 finds that the evidence sought does not relate to the
41 24 condition alleged ~~and~~. At the request of any party or at the
41 25 request of the deponent, the court shall fix a reasonable fee

41 26 to be paid to ~~the~~ a physician or surgeon, physician assistant,
41 27 advanced registered nurse practitioner, or mental health
41 28 professional by the party taking the deposition or calling the
41 29 witness.

41 30 Sec. 64. Section 622.10, Code Supplement 2007, is amended
41 31 by adding the following new subsection:

41 32 NEW SUBSECTION. 4A. At any time, upon a written request
41 33 from a patient, a patient's legal representative or attorney,
41 34 or an adverse party pursuant to subsection 3, any provider
41 35 shall provide copies of the requested records or images to the
42 1 requester within thirty days of receipt of the written
42 2 request. The written request shall be accompanied by a
42 3 legally sufficient patient's waiver unless the request is made
42 4 by the patient or the patient's legal representative or
42 5 attorney.

42 6 a. The fee charged for the cost of producing the requested
42 7 records or images shall be based upon the actual cost of
42 8 production. If the written request and accompanying patient's
42 9 waiver, if required, authorizes the release of all of the
42 10 patient's records for the requested time period, including
42 11 records relating to the patient's mental health, substance
42 12 abuse, and acquired immune deficiency syndrome-related
42 13 conditions, the amount charged shall not exceed the rates
42 14 established by the workers' compensation commissioner for
42 15 copies of records in workers' compensation cases. If
42 16 requested, the provider shall include an affidavit certifying
42 17 that the records or images produced are true and accurate
42 18 copies of the originals for an additional fee not to exceed
42 19 ten dollars.

42 20 b. A patient or a patient's legal representative or a
42 21 patient's attorney is entitled to one copy free of charge of
42 22 the patient's complete billing statement, subject only to a
42 23 charge for the actual costs of postage or delivery charges
42 24 incurred in providing the statement. If requested, the
42 25 provider or custodian of the record shall include an affidavit
42 26 certifying the billing statements produced to be true and
42 27 accurate copies of the originals for an additional fee not to
42 28 exceed ten dollars.

42 29 c. Fees charged pursuant to this subsection are not
42 30 subject to a sales or use tax. A provider providing the
42 31 records or images may require payment in advance if an
42 32 itemized statement demanding such is provided to the
42 33 requesting party within fifteen days of the request. Upon a
42 34 timely request for payment in advance, the time for providing
42 35 the records or images shall be extended until the greater of
43 1 thirty days from the date of the original request or ten days
43 2 from the receipt of payment.

43 3 d. If a provider does not provide to the requester all
43 4 records or images encompassed by the request or does not allow
43 5 a patient access to all of the patient's medical records
43 6 encompassed by the patient's request to examine the patient's
43 7 records, the provider shall give written notice to the
43 8 requester or the patient that providing the requested records
43 9 or images would be a violation of the federal Health Insurance
43 10 Portability and Accountability Act of 1996, Pub. L. No.
43 11 104=191.

43 12 e. As used in this subsection:

43 13 (1) "Records" and "images" include electronic media and
43 14 data containing a patient's health or billing information and
43 15 "copies" includes patient records or images provided in
43 16 electronic form, regardless of the form of the originals. If
43 17 consented to by the requesting party, records and images
43 18 produced pursuant to this subsection may be produced on
43 19 electronic media.

43 20 (2) "Provider" means any physician or surgeon, physician
43 21 assistant, advanced registered nurse practitioner, mental
43 22 health professional, hospital, nursing home, or other person,
43 23 entity, facility, or organization that furnishes, bills, or is
43 24 paid for health care in the normal course of business.

43 25 Sec. 65. NEW SECTION. 692A.3B PRESENCE ON THE REAL
43 26 PROPERTY COMPRISING A CHILD CARE FACILITY OR CHILD CARE HOME
43 27 == RESTRICTION.

43 28 1. As used in this section, "child care provider" includes
43 29 a "child care center", "child care home", "child development
43 30 home", and "preschool" as those terms are defined in section
43 31 237A.1, and a "child care program" as defined in section
43 32 279.49 and authorized in section 280.3A.

43 33 2. A person required to register under this chapter who
43 34 has been convicted of a criminal offense against a minor, or
43 35 an offense involving a minor that is an aggravated offense,
44 1 sexually violent offense, or other relevant offense, shall not

44 2 be knowingly present on the real property comprising a child
44 3 care provider, except under one of the following
44 4 circumstances:
44 5 a. The person is transporting a minor who is a child of
44 6 the person to or from the child care provider.
44 7 b. The person is responding to a health or behavioral
44 8 emergency regarding a minor who is the child of the person.
44 9 c. The person has been summoned to discuss the
44 10 developmental activity or social progress of a minor who is a
44 11 child of the person.
44 12 d. The person is voting in the building in which the child
44 13 care provider is located during the hours designated to vote.
44 14 3. The child care provider's owner or administrator shall
44 15 provide notice to the parents, guardians, or custodians of the
44 16 children receiving child care from the child care provider
44 17 about the presence of a person on the real property comprising
44 18 the child care provider, as authorized in accordance with
44 19 subsection 2.
44 20 4. A person required to register under this chapter who
44 21 commits a violation of this section commits an aggravated
44 22 misdemeanor.
44 23 Sec. 66. Section 709.12, unnumbered paragraph 1, Code
44 24 2007, is amended to read as follows:
44 25 A person eighteen years of age or older is upon conviction
44 26 guilty of ~~an aggravated misdemeanor~~ a class "D" felony if the
44 27 person commits any of the following acts with a child, not the
44 28 person's spouse, with or without the child's consent, for the
44 29 purpose of arousing or satisfying the sexual desires of either
44 30 of them:
44 31 Sec. 67. Section 709.14, Code 2007, is amended to read as
44 32 follows:
44 33 709.14 LASCIVIOUS CONDUCT WITH A MINOR.
44 34 1. It is unlawful for a person over eighteen years of age
44 35 who is in a position of authority over a minor to force,
45 1 persuade, or coerce a minor, with or without consent, to
45 2 disrobe or partially disrobe for the purpose of arousing or
45 3 satisfying the sexual desires of either of them.
45 4 2. Lascivious conduct with a minor as prohibited in
45 5 subsection 1 is a serious aggravated misdemeanor.
45 6 Sec. 68. REAL ESTATE EDUCATION PROGRAM. There is
45 7 appropriated from the general fund of the state to the state
45 8 board of regents for the fiscal year beginning July 1, 2008,
45 9 and ending June 30, 2009, the following amount, or so much
45 10 thereof as is necessary, to be used for the purposes
45 11 designated:
45 12 For allocation to the university of northern Iowa for the
45 13 real estate education program:
45 14 \$ 160,000
45 15 Notwithstanding section 8.33, moneys appropriated in this
45 16 section that remain unencumbered or unobligated at the close
45 17 of the fiscal year shall not revert but shall remain available
45 18 for expenditure for the purposes designated until the close of
45 19 the succeeding fiscal year.
45 20 Sec. 69. 2008 Iowa Acts, Senate File 2420, section 124, is
45 21 amended by striking the section and inserting in lieu thereof
45 22 the following:
45 23 SEC. 124. Section 423.5, subsection 3, Code 2007, as
45 24 amended by this division of this Act, is amended to read as
45 25 follows:
45 26 3. ~~The An excise tax at the rate of five percent is~~
45 27 ~~imposed on the use of vehicles subject only to the issuance of~~
45 28 ~~a certificate of title and the use of manufactured housing,~~
45 29 ~~and on the use of leased vehicles, if the lease transaction~~
45 30 does not require titling or registration of the vehicle, on
45 31 the amount subject to tax as calculated pursuant to section
45 32 423.26, subsection 2.
45 33 Sec. 70. INDEPENDENT REDEMPTION CENTER GRANT FUND. There
45 34 is appropriated from the general fund of the state to the
45 35 department of natural resources for the fiscal year beginning
46 1 July 1, 2008, and ending June 30, 2009, the following amount,
46 2 or so much thereof as is necessary, to be used for the purpose
46 3 designated:
46 4 For deposit in the independent redemption center fund
46 5 created in section 455C.17, as enacted in this division of
46 6 this Act:
46 7 \$ 1,000,000
46 8 Sec. 71. 2008 Iowa Acts, House File 2663, section 15, if
46 9 enacted, is amended by striking the section and inserting in
46 10 lieu thereof the following:
46 11 SEC. 15. Section 423E.3, subsections 1 and 4, Code 2007,
46 12 are amended by striking the subsections.

46 13 Sec. 72. PUBLIC SAFETY PEACE OFFICERS' RETIREMENT,
46 14 ACCIDENT, AND DISABILITY SYSTEM == ADDITIONAL APPROPRIATION
46 15 FOR PURCHASE OF SERVICE. If section 97A.10 is amended by the
46 16 2008 Session of the Eighty-second General Assembly to provide
46 17 for the purchase of eligible service credit on and after July
46 18 1, 2008, there shall be appropriated from the general fund of
46 19 the state to the retirement fund described in section 97A.8 an
46 20 amount equal to that portion of the actuarial cost of the
46 21 permissive service credit purchase for eligible service credit
46 22 that is not required to be contributed by a member making
46 23 contributions to the system for that purchase.

46 24 Sec. 73. APPLICABILITY. The sections of this division of
46 25 this Act amending section 21.5, subsection 1, and section
46 26 22.7, do not apply to any litigation before any court of this
46 27 state filed prior to July 1, 2008.

46 28 Sec. 74. INCOME TAXATION == ACTIVE DUTY MILITARY PAY.
46 29 Notwithstanding section 422.7, subsection 40, the net income
46 30 of a member of the national guard who served from August 1,
46 31 2004, to January 31, 2006, on full-time military duty as a
46 32 mobilization augmenter in a rear detachment support assignment
46 33 for a national guard unit deployed pursuant to orders related
46 34 to Operation Iraqi Freedom, shall be calculated for those tax
46 35 years as provided in section 422.7 by subtracting, to the
47 1 extent included, the amount of full-time national guard duty
47 2 pay received.

47 3 Sec. 75. LOW OR MODERATE NET WORTH == DESIGNATED AMOUNT
47 4 ESTABLISHED. For the period beginning July 1, 2008, and
47 5 ending December 31, 2008, the designated amount used to
47 6 determine a person's aggregate net worth as provided in
47 7 section 175.2, subsection 1, as amended in this division of
47 8 this Act, is five hundred thousand dollars.

47 9 Sec. 76. CHARTER AGENCY GRANT FUND. Notwithstanding
47 10 sections 7J.2 and 8.33 or any other provision of law, moneys
47 11 appropriated to the department of management from the charter
47 12 agency grant fund that remain unencumbered or unobligated at
47 13 the close of the fiscal year beginning July 1, 2007, shall not
47 14 revert but shall remain available for expenditure for the
47 15 purposes designated in section 7J.2, Code 2007, until the
47 16 close of the succeeding fiscal year. At the close of the
47 17 succeeding fiscal year, such moneys that remain unencumbered
47 18 or unobligated shall revert to the general fund of the state.

47 19 Sec. 77. EFFECTIVE DATE. The section of this division of
47 20 this Act addressing sections 7J.2 and 8.33 and the charter
47 21 agency grant fund, being deemed of immediate importance, takes
47 22 effect upon enactment.

47 23 Sec. 78. EFFECTIVE DATE == RETROACTIVE APPLICABILITY. The
47 24 section of this division of this Act relating to the
47 25 computation of net income for individual income tax purposes
47 26 of a member of the national guard who served on full-time
47 27 military duty as a mobilization augmenter in a rear detachment
47 28 support assignment for a national guard unit deployed pursuant
47 29 to orders related to Operation Iraqi Freedom, being deemed of
47 30 immediate importance, takes effect upon enactment, and applies
47 31 retroactively to January 1, 2004, for tax years beginning on
47 32 or after that date but before January 1, 2007.

47 33 Sec. 79. EFFECTIVE DATE == RETROACTIVE APPLICABILITY. The
47 34 sections of this division of this Act amending section 35A.8,
47 35 being deemed of immediate importance, take effect upon
48 1 enactment and are retroactively applicable to July 1, 2007,
48 2 and are applicable on and after that date.

48 3 Sec. 80. RETROACTIVE APPLICABILITY DATE. The sections of
48 4 this division of this Act enacting section 422.11V and section
48 5 422.33, subsection 25, apply retroactively to January 1, 2008,
48 6 for tax years beginning on or after that date.

48 7 DIVISION V

48 8 STATE AID FOR SCHOOLS == ENROLLMENT

48 9 Sec. 81. Section 257.6, subsection 1, paragraph a,
48 10 subparagraph (5), Code Supplement 2007, is amended to read as
48 11 follows:

48 12 (5) Resident pupils receiving competent private
48 13 instruction from a licensed practitioner provided through a
48 14 public school district pursuant to chapter 299A shall be
48 15 counted as ~~six-tenths~~ three-tenths of one pupil. School
48 16 districts shall not spend less than the amount expended for
48 17 the delivery of home school assistance programming during the
48 18 fiscal year beginning July 1, 2007, unless there is a decline
48 19 in enrollment in the program. If a school district offered a
48 20 home school assistance program in the fiscal year beginning
48 21 July 1, 2007, it shall continue to offer a home school
48 22 assistance program in the fiscal year beginning July 1, 2008,
48 23 and subsequent fiscal years. If the school district

48 24 determines that the expenditures associated with providing
48 25 competent private instruction pursuant to chapter 299A is in
48 26 excess of the revenue attributed to the school district's
48 27 weighted enrollment for such instruction in accordance with
48 28 this subparagraph, the school district may submit a request to
48 29 the school budget review committee for modified allowable
48 30 growth in accordance with section 257.31, subsection 5,
48 31 paragraph "n". A home school assistance program shall not
48 32 provide moneys received pursuant to this subparagraph, nor
48 33 resources paid for with moneys received pursuant to this
48 34 subparagraph, to parents or students utilizing the program.

48 35 Sec. 82. Section 257.11, subsection 5, Code Supplement
49 1 2007, is amended by adding the following new paragraph:
49 2 NEW PARAGRAPH. n. Unusual need for additional funds for
49 3 the costs associated with providing competent private
49 4 instruction pursuant to chapter 299A.

49 5 Sec. 83. Section 299.4, Code Supplement 2007, is amended
49 6 to read as follows:

49 7 299.4 REPORTS AS TO PRIVATE INSTRUCTION.

49 8 1. The parent, guardian, or legal custodian of a child who
49 9 is of compulsory attendance age, who places the child under
49 10 competent private instruction under either section 299A.2 or
49 11 299A.3, not in an accredited school or a home school
49 12 assistance program operated by a public school district or
49 13 accredited nonpublic school, shall furnish a report in
49 14 duplicate on forms provided by the public school district, to
49 15 the district by the earliest starting date specified in
49 16 section 279.10, subsection 1. The secretary shall retain and
49 17 file one copy and forward the other copy to the district's
49 18 area education agency. The report shall state the name and
49 19 age of the child, the period of time during which the child
49 20 has been or will be under competent private instruction for
49 21 the year, an outline of the course of study, texts used, and
49 22 the name and address of the instructor. The parent, guardian,
49 23 or legal custodian of a child, who is placing the child under
49 24 competent private instruction for the first time, shall also
49 25 provide the district with evidence that the child has had the
49 26 immunizations required under section 139A.8, and, if the child
49 27 is elementary school age, a blood lead test in accordance with
49 28 section 135.105D. The term "outline of course of study" shall
49 29 include subjects covered, lesson plans, and time spent on the
49 30 areas of study.

49 31 2. A home school assistance program operated by a school
49 32 district or accredited nonpublic school shall furnish a report
49 33 on forms provided by the department. The report shall, at a
49 34 minimum, state the name and age of the child and the period of
49 35 time during the school year in which the child has been or
50 1 will be under competent private instruction by the home school
50 2 assistance program.

50 3 Sec. 84. Section 299A.2, Code 2007, is amended to read as
50 4 follows:

50 5 299A.2 COMPETENT PRIVATE INSTRUCTION BY LICENSED
50 6 PRACTITIONER.

50 7 ~~If a licensed practitioner provides competent instruction~~
50 8 ~~to a child of compulsory attendance age, the practitioner~~
50 9 ~~shall possess a valid license or certificate which has been~~
50 10 ~~issued by the state board of educational examiners under~~
50 11 ~~chapter 272 and which is appropriate to the ages and grade~~
50 12 ~~levels of the children to be taught. Competent private~~
50 13 ~~instruction may include, but is not limited to, a home school~~
50 14 ~~assistance program which provides instruction or instructional~~
50 15 ~~supervision offered through an accredited nonpublic school or~~
50 16 ~~public school district by a teacher licensed under chapter~~
50 17 ~~272, who is employed by the accredited nonpublic school or~~
50 18 ~~public school district, who assists and supervises a parent,~~
50 19 ~~guardian, or legal custodian in providing instruction to a~~
50 20 ~~child. If competent private instruction is provided through a~~
50 21 ~~public school district, the child shall be enrolled and~~
50 22 ~~included in the basic enrollment of the school district as~~
50 23 ~~provided in section 257.6. Sections 299A.3 through 299A.7 do~~
50 24 ~~not apply to competent private instruction provided by a~~
50 25 ~~licensed practitioner under this section. However, the~~
50 26 ~~reporting requirement contained in section 299A.3, subsection~~
50 27 ~~1, shall apply to competent private instruction provided by~~
50 28 ~~licensed practitioners that is not part of a home school~~
50 29 ~~assistance program offered through an accredited nonpublic~~
50 30 ~~school or public school district.~~

50 31 Sec. 85. WEIGHTED ENROLLMENT. There is appropriated from
50 32 the general fund of the state to the department of education
50 33 for the fiscal year beginning July 1, 2008, and ending June
50 34 30, 2009, the following amount, or so much thereof as is

50 35 necessary, to be used for the purposes designated:
51 1 For one-time distribution to those school districts
51 2 determined by the department to have expenditures associated
51 3 with providing competent private instruction pursuant to
51 4 chapter 299A in excess of the revenue attributed to the school
51 5 district's weighted enrollment for such instruction in
51 6 accordance with section 257.6, subsection 1, paragraph "a",
51 7 subparagraph (5), as amended by this Act:

51 8 \$ 146,000

51 9 Sec. 86. BUDGET ADJUSTMENT. For the budget year beginning
51 10 July 1, 2008, and ending June 30, 2009, any adjustment in the
51 11 school district's budget resulting from the amendment to
51 12 section 257.6 in this division of this Act shall be addressed
51 13 as provided in section 257.6, subsection 1, paragraph "d"
51 14 based upon the amendment made to section 257.6, subsection 1,
51 15 paragraph a, subparagraph (5), and with the budget adjustment
51 16 being made in the fiscal year beginning July 1, 2008.

51 17 Sec. 87. EFFECTIVE DATE. The section of this division of
51 18 this Act amending section 257.6, being deemed of immediate
51 19 importance, takes effect upon enactment.

51 20 DIVISION VI
51 21 CAMPAIGN FINANCE

51 22 Sec. 88. Section 53.10, unnumbered paragraph 3, Code
51 23 Supplement 2007, is amended to read as follows:

51 24 During the hours when absentee ballots are available in the
51 25 office of the commissioner, ~~the posting of political signs is~~
~~51 26 prohibited within three hundred feet of the absentee voting~~
51 27 ~~site. No electioneering shall not~~ be allowed within the sight
51 28 or hearing of voters at the absentee voting site.

51 29 Sec. 89. Section 53.11, subsection 4, Code Supplement
51 30 2007, is amended to read as follows:

51 31 4. During the hours when absentee ballots are available at
51 32 a satellite absentee voting station, ~~the posting of political~~
~~51 33 signs is prohibited within three hundred feet of the satellite~~
~~51 34 absentee voting station. Electioneering electioneering~~ shall
51 35 not be allowed within the sight or hearing of voters at the
52 1 satellite absentee voting station.

52 2 Sec. 90. Section 68A.404, subsection 1, Code 2007, is
52 3 amended to read as follows:

52 4 1. As used in this section, "independent expenditure"
52 5 means one or more expenditures in excess of ~~seven hundred~~
~~52 6 fifty one hundred~~ dollars in the aggregate for a communication
52 7 that expressly advocates the nomination, election, or defeat
52 8 of a clearly identified candidate or the passage or defeat of
52 9 a ballot issue that is made without the prior approval or
52 10 coordination with a candidate, candidate's committee, or a
52 11 ballot issue committee.

52 12 Sec. 91. Section 68A.404, subsection 3, paragraph a, Code
52 13 2007, is amended to read as follows:

52 14 a. An independent expenditure statement shall be filed
52 15 within forty-eight hours of the making of an independent
52 16 expenditure in excess of ~~seven hundred fifty one hundred~~
52 17 dollars in the aggregate.

52 18 Sec. 92. Section 68A.406, Code Supplement 2007, is amended
52 19 to read as follows:

52 20 68A.406 CAMPAIGN SIGNS == YARD SIGNS.

52 21 1. Campaign signs may be placed with the permission of the
52 22 property owner or lessee on any of the following:

52 23 a. Residential property.
52 24 b. Agricultural land owned by individuals or by a family
52 25 farm operation as defined in section 9H.1, subsections 8, 9,
52 26 and 10.

52 27 c. Property leased for residential purposes including, but
52 28 not limited to, apartments, condominiums, college housing
~~52 29 facilities, and houses if placed only on leased property space~~
~~52 30 that is actually occupied.~~

52 31 d. Vacant lots owned by a ~~private individual person who is~~
~~52 32 not a prohibited contributor under section 68A.503.~~

52 33 e. Property owned by an organization that is not a
52 34 prohibited contributor under section 68A.503.

52 35 f. Property leased by a candidate, committee, or an
53 1 organization established to advocate the nomination, election,
53 2 or defeat of a candidate or the passage or defeat of a ballot
53 3 issue that has not yet registered pursuant to section 68A.201,
53 4 when the property is used as campaign headquarters or a
53 5 campaign office and the placement of the sign is limited to
53 6 the space that is actually leased.

53 7 2. a. Campaign signs shall not be placed on any of the
53 8 following:

53 9 ~~a.~~ (1) Any property owned by the state or the governing
53 10 body of a county, city, or other political subdivision of the

53 11 state, including all property considered the public
53 12 right-of-way. Upon a determination by the board that a sign
53 13 has been improperly placed, the sign shall be removed by
53 14 highway authorities as provided in section 318.5, or by county
53 15 or city law enforcement authorities in a manner consistent
53 16 with section 318.5.

53 17 ~~b-~~ (2) Property owned, leased, or occupied by a
53 18 prohibited contributor under section 68A.503 unless the sign
53 19 advocates the passage or defeat of a ballot issue or is
53 20 exempted under subsection 1.

53 21 ~~c-~~ (3) On any property without the permission of the
53 22 property owner or lessee.

53 23 ~~d-~~ (4) On election day either on the premises of any
53 24 polling place or within three hundred feet of any outside door
53 25 of any building affording access to any room where the polls
53 26 are held, or of any outside door of any building affording
53 27 access to any hallway, corridor, stairway, or other means of
53 28 reaching the room where the polls are held.

53 29 ~~e-~~ (5) ~~Within~~ On the premises of or within three hundred
53 30 feet of any outside door of any building affording access to
53 31 an absentee voting site during the hours when absentee ballots
53 32 are available in the office of the county commissioner of
53 33 elections as provided in section 53.10.

53 34 ~~f-~~ (6) ~~Within~~ On the premises of or within three hundred
53 35 feet of any outside door of any building affording access to a
54 1 satellite absentee voting station during the hours when
54 2 absentee ballots are available at the satellite absentee
54 3 voting station as provided in section 53.11.

54 4 ~~b. Paragraphs "d", "e", and "f" Paragraph "a",~~
54 5 ~~subparagraphs (4), (5), and (6) shall not apply to the posting~~
54 6 of signs on private property not a polling place, except that
54 7 the placement of a sign on a motor vehicle, trailer, or
54 8 semitrailer, or any attachment to a motor vehicle, trailer, or
54 9 semitrailer parked on public property within three hundred
54 10 feet of any outside door of any building affording access to
54 11 any room serving as a polling place, which sign is more than
54 12 ninety square inches in size, is prohibited.

54 13 3. Campaign signs with dimensions of thirty-two square
54 14 feet or less are exempt from the attribution statement
54 15 requirement in section 68A.405. Campaign signs in excess of
54 16 thirty-two square feet, or signs that are affixed to buildings
54 17 or vehicles regardless of size except for bumper stickers, are
54 18 required to include the attribution statement required by
54 19 section 68A.405. The placement or erection of campaign signs
54 20 shall be exempt from the requirements of chapter 480 relating
54 21 to underground facilities information.

DIVISION VII

CORRECTIVE PROVISIONS

54 24 Sec. 93. Section 15.104, subsection 9, paragraph a, if
54 25 enacted by 2008 Iowa Acts, House File 2450, section 6, is
54 26 amended to read as follows:

54 27 a. FINANCIAL ASSISTANCE PROGRAMS. Data on all assistance
54 28 provided to business finance projects under the community
54 29 economic betterment program established in section 15.317,
54 30 eligible businesses under the high quality job creation
54 31 program described in section 15.326, and eligible facilities
54 32 under the value-added agricultural products and processes
54 33 financial assistance program established in section 15E.111.

54 34 Sec. 94. Section 20.9, subsection 1, paragraph n, if
54 35 enacted by 2008 Iowa Acts, House File 2645, is amended to read
55 1 as follows:

55 2 n. Evaluation procedures, including the frequency of
55 3 evaluations, the method of evaluation, evaluation forms and
55 4 other evaluation instruments, evaluation criteria, the
55 5 purposes for and use of evaluations, and remedial and employee
55 6 ~~performance~~ performance improvement plans and procedures.

55 7 Sec. 95. Section 87.4, unnumbered paragraph 2, Code 2007,
55 8 as amended by 2008 Iowa Acts, Senate File 2337, section 1, if
55 9 enacted, is amended to read as follows:

55 10 A self-insurance association formed under this section and
55 11 an association comprised of cities or counties, or both, or
55 12 the association of ~~county~~ Iowa fairs or a fair as defined in
55 13 section 174.1, or community colleges as defined in section
55 14 260C.2 or school corporations, or both, or other political
55 15 subdivisions, which have entered into an agreement under
55 16 chapter 28E for the purpose of establishing a self-insured
55 17 program for the payment of workers' compensation benefits are
55 18 exempt from taxation under section 432.1.

55 19 Sec. 96. Section 87.4, unnumbered paragraph 4, Code 2007,
55 20 as amended by 2008 Iowa Acts, Senate File 2337, section 1, if
55 21 enacted, is amended to read as follows:

55 22 A self-insured program for the payment of workers'
55 23 compensation benefits established by an association comprised
55 24 of cities or counties, or both, or the association of ~~county~~
55 25 Iowa fairs or a fair as defined in section 174.1, or community
55 26 colleges, as defined in section 260C.2, or other political
55 27 subdivisions, which have entered into an agreement under
55 28 chapter 28E, is not insurance, and is not subject to
55 29 regulation under chapters 505 through 523C. Membership in
55 30 such an association together with payment of premiums due
55 31 relieves the member from obtaining insurance as required in
55 32 section 87.1. Such an association is not required to submit
55 33 its plan or program to the commissioner of insurance for
55 34 review and approval prior to its implementation and is not
55 35 subject to rules or rates adopted by the commissioner relating
56 1 to workers' compensation group self-insurance programs. Such
56 2 a program is deemed to be in compliance with this chapter.

56 3 Sec. 97. Section 144C.3, subsection 4, as enacted by 2008
56 4 Iowa Acts, Senate File 473, section 8, is amended to read as
56 5 follows:

56 6 4. ~~A funeral director, an attorney, or any agent, owner,~~
56 7 ~~or employee of a funeral establishment, cremation~~
56 8 establishment, cemetery, elder group home, assisted living
56 9 program facility, adult day services program, or licensed
56 10 hospice program, ~~or attorney, or any agent, owner, or employee~~
56 11 ~~of such an entity,~~ shall not serve as a designee unless
56 12 related to the declarant within the third degree of
56 13 consanguinity.

56 14 Sec. 98. Section 261.7, subsections 2 and 3, if enacted by
56 15 2008 Iowa Acts, House File 2197, section 1, are amended to
56 16 read as follows:

56 17 2. The general assembly recommends that every public and
56 18 private institution ~~for~~ of higher education in this state,
56 19 including those institutions referenced in chapters 260C and
56 20 262 and section 261.9, post the list of required and suggested
56 21 textbooks for all courses and the corresponding international
56 22 standard book numbers for such textbooks at least fourteen
56 23 days before the start of each semester or term, to the extent
56 24 possible, at the locations where textbooks are sold on campus
56 25 and on the web site for the respective institution ~~for~~ of
56 26 higher education.

56 27 3. The college student aid commission is directed to
56 28 convey the legislative intent and recommendation contained in
56 29 this section to every institution ~~for~~ of higher education in
56 30 the state registered pursuant to chapter 261B at least once a
56 31 year.

56 32 Sec. 99. Section 279.15A, subsection 2, if enacted by 2008
56 33 Iowa Acts, House File 2645, is amended to read as follows:

56 34 2. If the teacher requests a private meeting, the board
56 35 shall, within five days of the receipt of the request, deliver
57 1 to the teacher, in writing, notice of declination to meet with
57 2 the teacher, or notice of a time and place for the meeting
57 3 with the board which meeting shall be exempt from the
57 4 requirements of chapter 21. If the board declines to meet
57 5 with the teacher, the parties shall immediately proceed under
57 6 section 279.16. The private meeting, if agreed to by the
57 7 board, shall be held no later than fifteen days from receipt
57 8 of the request for the private meeting. At the meeting, the
57 9 superintendent shall have the opportunity to discuss with the
57 10 board the reasons for the issuance of the notice. The
57 11 teacher, or the teacher's representative, shall be given an
57 12 opportunity to respond. At the conclusion of the meeting, the
57 13 board of directors and the teacher may enter into a mutually
57 14 agreeable resolution to the recommendation of termination. If
57 15 no resolution is reached by the parties, the board shall
57 16 immediately meet in open session, and, by majority roll call
57 17 vote, either reject or support the superintendent's
57 18 recommendation. If the recommendation is rejected, the
57 19 teacher's continuing contract shall remain in force and
57 20 effect. If the recommendation is supported, the parties shall
57 21 immediately proceed under section 279.16.

57 22 Sec. 100. Section 321.23, subsection 3, Code 2007, as
57 23 amended by 2008 Iowa Acts, Senate File 2420, section 53, is
57 24 amended to read as follows:

57 25 3. In the event an applicant for registration of a foreign
57 26 vehicle for which a certificate of title has been issued is
57 27 able to furnish evidence of being the registered owner of the
57 28 vehicle to the county treasurer of the owner's residence,
57 29 although unable to surrender such certificate of title, the
57 30 county treasurer may issue a registration receipt and plates
57 31 upon receipt of the required annual registration fee and the
57 32 fee for new registration ~~fee~~ but shall not issue a certificate

57 33 of title thereto. Upon surrender of the certificate of title
57 34 from the foreign state, the county treasurer shall issue a
57 35 certificate of title to the owner, or person entitled thereto,
58 1 of such vehicle as provided in this chapter. The owner of a
58 2 vehicle registered under this subsection shall not be required
58 3 to obtain a certificate of title in this state and may
58 4 transfer ownership of the vehicle to a motor vehicle dealer
58 5 licensed under chapter 322 if, at the time of the transfer,
58 6 the certificate of title is held by a secured party and the
58 7 dealer has forwarded to the secured party the sum necessary to
58 8 discharge the security interest pursuant to section 321.48,
58 9 subsection 1.

58 10 Sec. 101. Section 321.105A, subsection 2, paragraph c,
58 11 subparagraph (27), as enacted by 2008 Iowa Acts, Senate File
58 12 2420, section 40, is amended to read as follows:

58 13 (27) A vehicle repossessed by a financial institution or
58 14 an individual by means of a foreclosure affidavit pursuant to
58 15 the uniform commercial code, chapter 554, provided there is a
58 16 valid lien on the vehicle and the foreclosure affidavit is
58 17 used for the sole purpose of retaining possession of the
58 18 vehicle until a new buyer is found. However, if the financial
58 19 institution or individual uses the foreclosure affidavit to
58 20 take title to the vehicle and register the vehicle, the fee
58 21 ~~for new registration fee~~ shall be due based on the outstanding
58 22 loan amount on the vehicle.

58 23 Sec. 102. Section 476.44A, if enacted by 2008 Iowa Acts,
58 24 Senate File 2386, section 6, is amended to read as follows:

58 25 Sec. 106. NEW SECTION. 476.44A TRADING OF CREDITS.

58 26 The board may establish or participate in a program to
58 27 track, record, and verify the trading of credits ~~for or~~
58 28 attributes relating to electricity generated from alternative
58 29 energy production facilities or renewable energy sources among
58 30 electric generators, utilities, and other interested entities,
58 31 within this state and with similar entities in other states.

58 32 Sec. 103. Section 508E.8, subsection 1, paragraphs i and
58 33 k, if enacted by 2008 Iowa Acts, Senate File 2392, section 8,
58 34 are amended to read as follows:

58 35 i. Disclosure to a viator shall include distribution of a
59 1 brochure describing the process of viatical settlements. The
59 2 national association of insurance commissioners form for the
59 3 brochure shall be used unless another form is developed ~~or~~ and
59 4 approved by the commissioner.

59 5 k. Following execution of a viatical contract, the insured
59 6 may be contacted for the purpose of determining the insured's
59 7 health status and to confirm the insured's residential or
59 8 business street address and telephone number, or as otherwise
59 9 provided in this chapter. This contact shall be limited to
59 10 once every three months if the insured has a life expectancy
59 11 of more than one year, and no more than once per month if the
59 12 insured has a life expectancy of one year or less. All such
59 13 ~~contracts~~ contacts shall be made only by a duly licensed
59 14 viatical settlement provider or by the authorized
59 15 representative of a duly licensed viatical settlement
59 16 provider.

59 17 Sec. 104. Section 633A.2301, Code 2007, as amended by 2008
59 18 Iowa Acts, Senate File 2350, section 21, if enacted, is
59 19 amended to read as follows:

59 20 633A.2301 RIGHTS OF BENEFICIARY, CREDITOR, AND ASSIGNEE.

59 21 To the extent a beneficiary's interest is not subject to a
59 22 spendthrift provision, and subject to sections 633A.2305 and
59 23 ~~633.2306~~ 633A.2306, the court may authorize a creditor or
59 24 assignee of the beneficiary to reach the beneficiary's
59 25 interest by levy, attachment, or execution of present or
59 26 future distributions to or for the benefit of the beneficiary
59 27 or other means.

59 28 Sec. 105. Section 670.7, subsection 4, if enacted by 2008
59 29 Iowa Acts, Senate File 2337, section 3, is amended to read as
59 30 follows:

59 31 4. The association of ~~county Iowa~~ fairs or a fair as
59 32 defined in section 174.1, ~~or a fair~~, shall be deemed to be a
59 33 municipality as defined in this chapter only for the purpose
59 34 of joining a local government risk pool as provided in this
59 35 section.

60 1 Sec. 106. Section 714E.2, subsection 2, if enacted by 2008
60 2 Iowa Acts, House File 2653, section 2, is amended to read as
60 3 follows:

60 4 2. The following notice, printed in at least fourteen
60 5 point boldface type and completed with the name of the
60 6 foreclosure consultant, must be printed immediately above the
60 7 notice of cancellation statement required pursuant to section
60 8 714E.3:

60 9 NOTICE REQUIRED BY IOWA LAW

60 10 (name) or anyone working for

60 11 ~~him or her~~ (name) CANNOT:

60 12 (1) Take any money from you or ask you for money until

60 13 (name) has completely finished

60 14 doing everything ~~he or she~~ (name) said

60 15 ~~he or she~~ (name) would do; and

60 16 (2) Ask you to sign or have you sign any lien, mortgage,

60 17 or real estate contract.

60 18 Sec. 107. 2008 Iowa Acts, House File 2103, section 1, is

60 19 amended by striking the section and inserting in lieu thereof

60 20 the following:

60 21 SECTION 1. Section 261.1, subsections 3 and 4, Code 2007,

60 22 are amended to read as follows:

60 23 3. ~~a. A member~~ Two members of the senate, ~~one to be~~

60 24 appointed by the president of the senate, ~~after consultation~~

60 25 ~~with the majority leader~~ and ~~one to be appointed by the~~

60 26 minority leader of the senate, to serve as ~~an~~ ex officio,

60 27 nonvoting member for a term of four years beginning on July 1

60 28 of the year of appointment members.

60 29 4. ~~b. A member~~ Two members of the house of

60 30 representatives, ~~one to be appointed by the speaker of the~~

60 31 house of representatives and ~~one to be appointed by the~~

60 32 minority leader of the house of representatives, to serve as

60 33 ~~an~~ ex officio, nonvoting member for a term of four years

60 34 beginning on July 1 of the year of appointment members.

60 35 c. The members of the senate and house of representatives

61 1 shall serve at the pleasure of the appointing legislator for a

61 2 term beginning upon the convening of the general assembly and

61 3 expiring upon the convening of the following general assembly,

61 4 or when the appointee's successor is appointed, whichever

61 5 occurs later.

61 6 Sec. 108. 2008 Iowa Acts, House File 2555, section 18, is

61 7 amended by striking the section and inserting in lieu thereof

61 8 the following:

61 9 SEC. 18. NEW SECTION. 508E.20 PUBLIC RECORDS.

61 10 All information filed with the commissioner pursuant to the

61 11 requirements of this chapter and its implementing rules shall

61 12 constitute a public record that is open for public inspection

61 13 except as otherwise provided in this chapter.

61 14 Sec. 109. 2008 Iowa Acts, House File 2651, section 40, if

61 15 enacted, is amended to read as follows:

61 16 SEC. 40. EFFECTIVE DATE DATES.

61 17 1. The sections of this Act amending sections 321E.8,

61 18 321E.9, 321E.14, and 322.7A, the section enacting section

61 19 321E.9B, and the section repealing 2007 Iowa Acts, chapter

61 20 167, being deemed of immediate importance, take effect upon

61 21 enactment.

61 22 2. The section of this Act amending section 321.115,

61 23 subsection 1, as enacted in 2007 Iowa Acts, chapter 143,

61 24 section 12, takes effect January 1, 2009.

61 25 Sec. 110. 2008 Iowa Acts, Senate File 2316, section 10, is

61 26 amended to read as follows:

61 27 SEC. 10. Sections 540A.1, 540A.2, 540A.3, 540A.4, 540A.5,

61 28 540A.6, 540A.7, 540A.8, and 540A.9, Code 2007, are repealed.

61 29 Sec. 111. 2008 Iowa Acts, Senate File 2347, section 9, is

61 30 amended to read as follows:

61 31 SEC. 9. EMERGENCY RULES. The secretary of state may adopt

61 32 emergency rules under section ~~17A.1~~ 17A.4, subsection 2, and

61 33 section 17A.5, subsection 2, paragraph "b", to implement the

61 34 provisions of this Act relating to optical scan voting

61 35 systems, and the rules shall be effective immediately upon

62 1 filing unless a later date is specified in the rules. Any

62 2 rules adopted in accordance with this section shall also be

62 3 published as a notice of intended action as provided in

62 4 section 17A.4.

62 5 Sec. 112. 2008 Iowa Acts, Senate File 2349, section 8, is

62 6 amended by striking the section and inserting in lieu thereof

62 7 the following:

62 8 SEC. 8. Section 523A.601, subsection 6, paragraph a, Code

62 9 Supplement 2007, is amended to read as follows:

62 10 a. A purchase agreement that is funded by a trust shall

62 11 include a conspicuous statement in language substantially

62 12 similar to the following language:

62 13 "For your prearranged funeral agreement, we will deposit

62 14 not less than eighty percent of your payments in trust at

62 15 (name of financial institution), (street address), (city),

62 16 (state) (zip code) within fifteen days following receipt of

62 17 the funds. For your protection, you ~~have the right to contact~~

62 18 will be notified within sixty days from the date of deposit

62 19 from the financial institution directly, if acting as a

~~62 20 trustee of trust funds under this chapter, to confirm that the
62 21 deposit of these funds occurred has been made establishing a
62 22 trust fund as required by law. If you are unable to confirm
62 23 the deposit of these funds in trust do not receive this
62 24 notification, you may contact the Iowa insurance division for
62 25 assistance by calling the insurance division at (telephone
62 26 number) or by mail at (street address), (city), Iowa (zip
62 27 code), or you may contact the financial institution by calling
62 28 the financial institution at (telephone number) or by mail at
62 29 the address indicated above."
62 30 HF 2700
62 31 mg/jg/25~~